

THE LEGISLATIVE HISTORY OF THE
BURKE-WADSWORTH ACT OF 1940

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PREFACE

The American military tradition has been that a small Regular Army backed by the militia should defend the Nation. The second aspect of that tradition has generally found the United States not preparing for war until after the nation was involved in combat. The Burke-Wadsworth Act of 1940 represented an attempt to change that philosophy and create an enlarged trained Army with a large force of Reserves. This was to be done, hopefully, to avoid having the United States enter World War II. The progress of the Burke-Wadsworth bill from its initial beginnings to its enactment provides the basis for this study.

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fact or interpretation, however, remain the responsibility
of the writer.

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CHAPTER I

THE SPONSORS

The armed forces of Nazi Germany attacked Poland September 1, 1939; two days later Britain and France declared war on Germany, in keeping with their pledge to defend Poland. In five weeks Poland was defeated, the first victim of the Blitzkrieg. Yet, after humiliating the Poles, Hitler, perhaps waging a war of nerves, or waiting for better weather, conducted no further military operations until April 9, 1940, when he attacked Denmark and Norway, conquering them in two months. In the meantime Germany invaded the Low Countries and France, forcing France to surrender on June 21, 1940. After about four months of actual combat, Hitler dominated the European continent and was preparing to launch air attacks against Britain. These raids reached their high point from August to November, 1940, but did not succeed in breaking British opposition to Hitler.

Against the background of the European conflict and almost a decade of Japanese aggression in the Pacific public opinion in the United States remained badly divided as to what course the United States should pursue. It could follow

its traditional practice of not preparing for an emergency, hoping that it could avoid entering a foreign war, or it could break with tradition and arm itself, hoping that such preparations would serve as a deterrent to the belligerent powers in Europe and the Far East.

The United States Army and Navy were not prepared for combat. The depression of the 1930's had brought sharp reductions in military spending. Congress stopped promotions and in-grade pay raises. The Senate, in 1932, had refused to support the House in reducing the officer corps by 2000, largely because of appeals by Army Chief of Staff Douglas MacArthur and President Hoover's Secretary of War, Patrick Hurley. Cutbacks occurred in the reserve forces and in the Citizens Military Training Camps.¹

Military equipment was limited. Hearings on appropriation bills in 1940 revealed that the Army would have 8066 combat, training, and miscellaneous aircraft, if the current expansion program, regular 1941 expenditures, and emergency

¹Forrest C. Pogue, George C. Marshall: Education of a General, 1880-1939 (New York: Viking Press, 1963), p. 271. Citizens Military Training Camps were for summer training. Satisfactory completion of four summers would qualify a candidate for a reserve commission. These should not be confused with the Reserve Officer Training Corps, but rather they were the forerunners of the present Officers Candidate Schools. Oliver Lyman Spaulding, The United States Army in War and Peace (New York: G.P. Putman's Sons, 1937), p. 461.

appropriations were approved.² The Naval aircraft problem was just as serious. Senate hearings revealed that the Navy planned to have on hand, or on order, 3023 planes by July 1, 1941. In March, 1940, however, it had only 1765 aircraft, for use by both the regular Navy and the Naval Reserves,³ but in May, 1940, the United States had only 800 military aircraft in this country, after allowing the sale and transfer of some planes to Great Britain and France.⁴

Equipment for the combat branches was almost non-existent, and air defense was seriously limited. For air defense, the Army was relying predominantly on 3-inch guns and .50 caliber machine guns, and it had only fifteen 37 MM guns.⁵ The infantry was as limited in equipment and as crippled as

² Subcommittee of the Committee on Appropriations, United States Senate. Hearings Before the Subcommittee of the Committee on Appropriations, United States Senate, on H. R. 9209. Seventy-Sixth Congress, Third Session (Washington, D. C.: Government Printing Office, 1940), p. 417. Hereinafter cited as Senate Hearings on H. R. 9209.

³ Subcommittee of the Committee on Appropriations, United States Senate. Hearings Before the Subcommittee of the Committee on Appropriations on H. R. 8438. Seventy-Sixth Congress, Third Session (Washington, D. C.: Government Printing Office, 1940), p. 98. Hereinafter cited as Senate Hearings on H. R. 8438.

⁴ Laurence Thompson, 1940 (New York: William Morrow, 1966), p. 183.

⁵ Senate Hearings on H. R. 9209, p. 421.

the air defense forces. While the United States had approximately four million bolt-action Springfield rifles, it had only about 38,000 Garand (M-1) semi-automatic rifles, which were to become the standard infantry weapons of World War II. In heavy weapons the shortage was even more serious. There were only 228 57 MM anti-tank guns, no 90 MM guns, three 60 MM mortars, and 183 81 MM mortars in the Army's inventory, along with 83 .50 caliber pack machine guns.⁶ No mention can be found concerning automatic rifles, light machine guns, pistols, bayonets, or other infantry equipment.

If the list of military equipment is accurate, the field artillery was virtually non-existent. The Senate records show 231 75MM guns, field and pack howitzers, along with four 155 MM guns and no other equipment. The armored forces being created at the time also had almost no equipment. The hearings again reveal only 28 medium and light tanks, along with 529 scout and combat cars.⁷ The Army was contemplating an expansion program to make up for the deficit in equipment, with large increases for tanks, field artillery, and individual and crew-served infantry weapons. If the program was completed as planned, then the Army would at the end of the

⁶Ibid., pp. 421-422.

⁷Ibid.

year have equipment for 750,000 men.⁸

The Navy was better prepared for war or an emergency than the Army. In July, 1940, the President approved a bill providing for a two-ocean navy and the construction of two hundred warships.⁹ It is virtually impossible to get an accurate count of fighting ships available at the time, due to the fact that actual statistics were not being released by the Secretary of the Navy.¹⁰ However, according to one account, the Navy had on hand and authority to build, due to appropriations and the two-ocean navy bill, 32 battleships, 18 aircraft carriers, 85 cruisers, 369 destroyers, and 185 submarines.¹¹

During May, 1940, after Germany launched her attack in Western Europe, the President sent a series of requests to Congress to strengthen American defenses. On May 16, he

⁸The Tulsa Tribune, August 25, 1940, p. 20.

⁹Louis L. Snyder, The War: A Concise History, 1939-1945 (New York: Julian Messner, 1960), p. 183.

¹⁰Secretary of the Navy, Annual Report of the Secretary of the Navy for the Fiscal Year 1941 (Washington, D. C.: Government Printing Office, 1941), pp. 1-27. The Annual Report of the Secretary of the Navy for the Fiscal Year 1940 gives a complete breakdown of combat vessels and comparative strength of other navies.

¹¹"World's Greatest Navy" Scholastic, XXXVII, No. 2 September 28, 1940, p. 2.

asked for a billion dollars and the expansion of the Army by 28,000 men, of whom 13,000 would go to the Air Corps. Two weeks later he asked for a supplemental appropriation to bring the Army up to its authorized strength of 375,000 men.¹² On May 31, the President asked Congress for authority to mobilize the National Guard, as he could not order the Guard to active duty for more than two weeks without a declaration of a national emergency.¹³ General George C. Marshall, Army Chief of Staff, agreed with the President's decision, because at that time the Army consisted of five streamlined, triangular divisions, made up of three infantry regiments, as opposed to the old square division of four infantry regiments. A sixth division was being converted at Fort Benning, Georgia. Marshall argued that if trouble were to occur in this hemisphere, then additional trained troops would be needed immediately.¹⁴

On June 26, 1940, the War Department announced that 9,000 junior officers would be called to active duty to act as training officers for the expanded, 375,000 man Army. They

¹²A. Russell Buchanan, The United States and World War II (New York: Harper and Row, 1964), I, p.121.

¹³The Washington Post, June 1, 1940, pp. 1-2.

¹⁴The St. Louis Star-Times, June 1, 1940, p. 1.

were to serve six or more months, with possible extensions.¹⁵

At the same time, the President announced a program for training 5,000 men, ages 19-26, to be junior officers in the Naval Reserve.¹⁶

The concentrated drive to enact a conscription law began about May 8, 1940, when Grenville Clark, New York City lawyer, observed that the best way for the Military Training Camps Association to observe its twenty-fifth anniversary would be to launch a campaign for compulsory military training to meet a situation which he felt was as dangerous as the World War.¹⁷ Two weeks later, meeting in the Biddle Room of the Harvard Club in New York City, Henry L. Stimson, soon to be Secretary of War, Robert P. Patterson, a federal judge and soon to be Assistant Secretary of War, William J. Donovan, World War commanding officer of the 69th Infantry Regiment, Grenville Clark, and about a hundred others developed the program for selective conscription which they hoped would be

¹⁵The New York Times, June 26, 1940, p. 1.

¹⁶Ibid., June 26, 1940, p. 1.

¹⁷Jack Raymond, Power at the Pentagon (New York: Harper and Row, 1964), p. 42.

enacted in 1940.¹⁸ At this meeting a resolution favoring the idea was introduced and approved.¹⁹ An executive committee, headed by Clark was created to start working for adoption of such legislation.

On May 25, 1940, Brigadier-General John McAuley Palmer U.S.A.(Ret), who had been present at the Military Training Camps Association dinner urging conscription went to the capitol to persuade General Marshall to support conscription and to have him attempt to convince the President of its soundness, but the Chief of Staff refused to do so.²⁰ General Palmer returned to New York City, bringing with him three Army officers of the Joint Army and Navy Selective Service Committee, which had worked on conscription since 1926. These three officers came to confer with the Executive Committee and helped the committee draft the bill.²¹

After the proposal was written, Grenville Clark's plan

¹⁸The New York Times, May 23, 1940, p. 1; Mark Skinner Watson, The United States Army in World War II; The War Department Chief of Staff: Prewar Plans and Preparations (Washington, D. C.: Historical Division, Department of the Army, 1950), p. 189.

¹⁹The New York Times, May 23, 1940, p. 13.

²⁰Watson, Prewar Plans, p. 190.

²¹Washington Post, June 21, 1940, p. 4.

was to have six members of each house of Congress sponsor the measure. He desired bi-partisan support, but it soon became evident that finding even two sponsors would be difficult. Representative James Wadsworth, Republican from New York and a distant relative of Colonel Jeremiah Wadsworth who introduced the first American draft plan in 1790, agreed to sponsor the bill. Now Clark needed a Senator to serve as a co-sponsor.²² He had an appointment with Senator Henry Cabot Lodge, Jr., Republican of Massachusetts, but was disappointed when the senator failed to put in an appearance at the designated time. Clark went into the office of Senator Edward R. Burke, Democrat of Nebraska, and spoke with him about the proposed legislation. When Burke agreed to sponsor it, Clark called Lodge, urging him to co-sponsor the measure, but Lodge refused, for he was supporting his own plan.²³

Edward R. Burke, isolationist, conservative Democrat, and hardened anti-New Dealer, recommended several changes, and rushed the bill to the hopper prior to recess on June 19, 1940. This was five days after the surrender of Paris, and but two days before France surrendered to Germany. His action was followed by Representative Wadsworth's intro-

²²Raymond, Power at the Pentagon, p. 44.

²³Ibid., pp. 44-45.

duction of the same measure into the House the next day. On the same day that Burke introduced his proposal, President Roosevelt nominated Republicans Henry L. Stimson and Frank Knox to be Secretaries of War and the Navy, respectively.²⁴

On June 4, 1940, the Military Training Camps Association had announced plans to launch a publicity drive in support of conscription. The Committee on Universal Military Training of the Military Training Camps Association said that to fill the ranks of the Regular Army and the National Guard would require 286,000 men. To man the 50,000 aircraft called for by the President would require an additional 500,000 men. Thus, the Committee concluded that the demand for additional manpower was so great that the men could not be raised by voluntary enlistments. Five days later the Emergency Committee of the Military Training Camps Association announced that public response had been so favorable to conscription that the Committee was expanding from 100 to 1,000 members. At the same time, it announced that its aim was to have Congress enact a bill registering all men 18 to 45 years of age, with those 21 to 45 liable for training.²⁵

²⁴Robert E. Sherwood, Roosevelt and Hopkins: An Intimate History (New York: Harper and Brothers, 1948), p. 157.

²⁵New York Times, June 4, 1940, p. 15; Ibid., June 9, 1940, p. 21.

In early 1940 most members of Congress were opposed to a draft bill, and only about one in three would have supported such a piece of legislation. Secretary of War Harry Woodring was also against such a plan, for he had joined the isolationists. Chief of Staff General George C. Marshall did not favor it, for he did not want to fragment the Regular Army into cadre units, and the President himself did not favor conscription for political reasons.²⁶

Congressional reaction to conscription was varied. The Oklahoma City Daily Oklahoman reported that conscription was a "virtual certainty" if Germany won the European War, and, that while not agreeing on the methods, the House Military Affairs Committee conceded that the military should be increased.²⁷ The day following the New York Times editorial of June 8, 1940, advocating conscription, Texas Democrat Morris Sheppard, Chairman of the Senate Military Affairs Committee, was quoted as saying "Compulsory military training is the only way we can get an adequate army".²⁸ The

²⁶Raymond, Power at the Pentagon, p. 42. Roosevelt has a "third term" coming up.

²⁷Oklahoma City, The Daily Oklahoman, June 3, 1940, p. 7.

²⁸The New York Times, June 8, 1940, pp. 1, 6.

New York Times said that privately many Representatives favored conscription, while only a few opposed it.²⁹

Congressional attitudes became more pronounced in mid-June. An Associated Press release carried in the Oklahoma City Times reported that most members of the House Military Affairs Committee were opposed to any draft bill at that time.³⁰ The Democrats gave up hope for adjournment and planned a recess during the National Conventions from June 22 to August 1, citing the European War as the cause.³¹ Just four days prior to the bill's introduction, the New York Times criticized Michigan Republican Arthur Vandenberg's statement that he was opposed to peacetime conscription. It argued that compulsory military training was ineffective unless started in peacetime. For after a nation was involved in war, it did not have time to raise and train an army.³²

After the bill was introduced, a private survey of Congressmen showed most of them favorable to the idea, but many

²⁹Ibid., p. 6.

³⁰The Oklahoma City Times, June 14, 1940, p. 1.

³¹The New York Times, June 14, 1940, p. 1.

³²Ibid., June 16, 1940, p. 8E.

expressed caution until they could study the proposal.³³
Newsweek, carrying an account of the measure, reported that Senator Burke felt that the opposition represented only a minority. It went further to assert that the Gallup Poll somewhat agreed with him in that the latest poll showed about 64% in favor of conscription.³⁴

On June 17, 1940, two days before the Burke-Wadsworth bill was introduced into the Senate, the President announced that he would ask Congress for some system of universal government service for youth. The training would be for military service, as communications and aviation technicians, and non-combatants could be trained as industrial technicians, and agricultural workers. He said that he would probably send a message to Congress requesting this in three to six weeks.³⁵ The President's program seemed designed to aid the military, as two of the four proposed areas were directly related to the military, while the other two were in supporting fields. Evidence does not seem to support statements that the Burke-Wadsworth measure did not have the support of

³³ Ibid., June 21, 1940, p. 1.

³⁴ "Conscription Drive," Newsweek, XVI, No. 1 (July 1, 1940), p. 33.

³⁵ The Washington Post, June 19, 1940, p. 1.

the President or the Army when it was introduced.³⁶ Nor does it fully support the Washington Post's assertion that it was not an administration supported proposal, but the evidence does tend to substantiate the claim that the White House had not seen the bill.³⁷

Harry Hopkins hinted to Grenville Clark that the President would give his backing "when time was right for him to do so."³⁸ Basil Rauch, a pro-Roosevelt historian, argued that the President wished Congress to feel that there was public, rather than executive pressure for the bill, and viewed conscription as the "supreme test of his support."³⁹ Rauch continued that it was necessary to prepare the country so as to be ready to support Roosevelt's announced program of aid to the Allies with force.⁴⁰

Stimson recalled that the President was "convinced of the soundness of conscription, but was reluctant to advocate it

³⁶Watson, Prewar Plans, p. 112.

³⁷The Washington Post, June 21, 1940, p. 4.

³⁸Sherwood, Roosevelt and Hopkins, p. 157.

³⁹Basil Rauch, Roosevelt from Munich to Pearl Harbor (New York: Barnes & Noble, 1950), pp. 225, 246.

⁴⁰Ibid., p. 225.

during an election year."⁴¹ Rauch carried the political theme further, in suggesting that the President desired bipartisan support for the bill.⁴² Both assertions have some validity. The President had not yet made public his decision for a third term, and obtained bipartisan support with a Democrat and a Republican introducing the bill, had appointed two Republicans to the cabinet and a third to be the Under-Secretary of War. In addition, Roosevelt had announced that the administration would propose a plan for compulsory "government service" to possibly remove the "stigma of military service."⁴³

Public opinion concerning the entire defensive posture of the United States was mixed. The Gallup Poll showed on June 2, 1940, 50% of the nation favoring conscription, 85% favoring military training for the Civilian Conservation Corps. To the question, "if Germany defeated Britain, do you feel that Germany will attack the United States?", 65% answered "Yes."⁴⁴ Eighty-five percent of the people polled

⁴¹Stimson and Bundy, On Active Service, p. 346.

⁴²Rauch, Roosevelt from Munich to Pearl Harbor, p. 246.

⁴³"Conscription Drive," Newsweek, XVI, No. 1 (July 1, 1940), p. 33.

⁴⁴The New York Times, June 2, 1940, pp. 11, 24.

felt that in the event of attack, the United States military forces were not sufficiently strong to repel it.⁴⁵ The questioners asked and recorded without percentages, that those opposed to conscription did feel that an increase was needed in military strength. George Gallup saw this as reflecting major changes in sentiment towards military preparation and American defenses.⁴⁶

Three weeks after the introduction of the Burke-Wadsworth bill, according to another Gallup Poll, public opinion endorsed conscription by 64%. The question, however, did not cover the broad age limits as prescribed by the bill, but limited it to drafting of young men twenty years old. The significant feature was the increase in support of the principle of conscription by 14% in three weeks.⁴⁷ Since the House of Representatives was contemplating an army of 400,000 the same poll thus asked whether these men should be raised by volunteer enlistments, supplemented by drafting until that figure was reached. Seventy-two percent gave affirmative

⁴⁵The Washington Post, June 2, 1940, p. 2B.

⁴⁶The New York Times, June 2, 1940, p. 11.

⁴⁷The Washington Post, June 23, 1940, p. 5B.

answers.⁴⁸ The Washington Post gave the following information showing the trend concerning conscription: in December, 1938 only 37% favored it; in October, 1939 only 39% were for drafting; on June 2, 1940, 50% were in favor of it; and on June 23, 1940, after the fall of Paris, 64% favored conscription.⁴⁹

The political attitudes of the people were brought into the polls. Democrats favored more aid to the Allies, (68% as compared to 64% for Republicans), Democrats favored conscription (65% as compared to 63% for Republicans), and more Democrats than Republicans would declare war (8% as compared to 6% for Republicans).⁵⁰ The differences, however, were not great, and the figures suggest that feelings for national defense transcended party lines.

Support for compulsory military training came from large segments of society. Editor and Publisher conducted a survey and found editors of most of the newspapers favoring the proposal, four days before the bill's introduction.⁵¹ However, a closer examination of their survey reveals that opposition

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ The New York Times, June 16, 1940, p. 13.

was to be found in two major independent Republican newspapers, the Emporia Gazette and the Portland Oregonian, in the Des Moines Register and Tribune, a Republican daily, and in the Kansas City Star, an independent paper. The Minneapolis Star-Journal, another independent Republican paper, while not opposing conscription, wanted to try encouraging voluntary enlistments first. Two large independent papers, the Akron Beacon-Journal and the Detroit Free-Press, argued that capable officers were the main need.⁵²

The papers favoring conscription and taking part in the survey were found on the Atlantic and Gulf Coasts and generally east of the Mississippi River, representing sixteen states and the District of Columbia. No paper west of a line from Houston to Dallas to Emporia to Des Moines and Minneapolis was mentioned, except the Portland Oregonian,⁵³ thus eliminating thirteen western states.

The Christian Science Monitor editorially approved the Burke-Wadsworth bill the day it was introduced into the Senate.⁵⁴ Joining in endorsement was the National Editorial

⁵²Walter E. Schneider, "Poll Shows U. S. Editors Favor Universal Military Training," Editor and Publisher LXXIII, No. 24 (June 15, 1940), pp. 5, 37, 39.

⁵³Ibid., pp. 5-6, 37, 39.

⁵⁴Christian Science Monitor, June 20, 1940, p. 14.

Association, which adopted a resolution in favor of peacetime conscription, unanimously.⁵⁵

The world was watching events in the spring and summer of 1940, without knowing what would happen next. Hitler launched his attacks into the West, and by the end of June was master of Europe. The United States, while unprepared for an emergency, was beginning to turn away from its traditional mood of isolation and non-involvement and was spending huge sums for armaments, ships and aircraft. Yet, in spite of world conditions and increased spending, no effort had been made to secure the men to utilize the equipment.

The first positive move was taken by the Military Training Camps Association, under the leadership of Grenville Clark, to secure the men. Clark persuaded his group to sponsor a conscription bill, helped engineer the appointments of Stimson and Knox to the cabinet, and was actively working for enactment of what was to become the Burke-Wadsworth Act. His efforts were greeted with some success. The President and some members of Congress were in favor of some form of obligatory military service, and in turn, they were supported by an increasingly favorable public opinion. Enactment of the proposal under these circumstances should have been rapid, but those who feared involvement in Europe or opposed con-

⁵⁵ The New York Times, June 22, 1940, p. 8.

scription would cause a delay of almost three months.

CHAPTER II

THE WITNESSES

The Burke-Wadsworth bill was introduced, given number S.4164 in the Senate and H. R. 10132 in the House, and sent to each house's Committee on Military Affairs for public hearings and study.¹ The hearings revealed divided sentiment with some groups and individuals strongly supporting the measure, while others were adamantly opposed to any form of compulsory service. A third group, while opposing conscription, urged a liberal clause for conscientious objectors, which would include those who were not members of historically pacifist churches. For the most part, witnesses that appeared before both committees repeated much of what they had presented to the other house earlier, and all that testified before either committee reiterated positions and arguments that other witnesses had often stated.

As introduced, the bill called for the registration of all males, ages 18 to 64, including both citizens and those

¹United States Congress, Congressional Record, 76th Congress, 3rd Session, LXXXVI (Washington: Government Printing Office, 1940), pp. 8689, 8908.

aliens who had declared their intention to become citizens. Men in the age group 21 to 45 could be drafted, whereas those 18 to 21 and 45 to 65, could be selected for training in home-defense units. The drafted men would train for eight months, and then face a ten-year reserve obligation. Pay for those inducted was to be five dollars per month, with the selection to be made by lottery. However, exemptions from registration and deferments from selection were provided. Conscientious objectors of "well recognized religious sects" were to be deferred from combat training only. Those persons who gave false statements on their registration forms, claimed false classifications, or urged men to evade the draft could be punished by a fine of \$10,000 or imprisonment for up to five years. Finally, the bill carried a termination clause, ending its life on May 15, 1945.²

The public hearings, before the Senate Military Affairs Committee, began on July 3, 1940, with Democratic Senator Morris Sheppard of Texas, a supporter of the New Deal legis-

²United States Senate, Committee on Military Affairs, Hearings Before the Committee on Military Affairs, Seventy-Sixth Congress, Third Session on S. 4164, a Bill to Protect the Integrity and Institutions of the United States Through a System of Selective Compulsory Military Training and Service. (Washington: Government Printing Office, 1940), pp. 1-5. Hereinafter cited as Senate Hearings on S. 4164.

lation,³ reading a letter from General John J. Pershing, American Expeditionary Force commander in Europe during the First World War, urging the bill's adoption. The general asserted that one reason for a large number of American casualties during World War I had been the sending of "partially trained boys" against veteran enemy troops. Positive results would be obtained in training for better citizenship, physical development, improvement in health, and finally, "it might well be the determining factor in keeping us out of the war." General Pershing suggested omitting consideration of the home defense units at this time.⁴

Attorney Grenville Clark, from New York City, served as the principal spokesman for the parade of witnesses supporting the measure. His testimony offered the main theme followed by most supporters. First, he argued, an emergency was facing America; second, selecting men by conscription was the only fair way to strengthen the military without disruption to the economy; and finally, the voluntary system was a failure, for it was not producing the men required to de-

³James T. Patterson, "A Conservative Coalition Forms in Congress," The Journal of American History, LII, No. 4 (March, 1966), p. 760.

⁴Senate Hearings on S.4164, p. 5. The letter was not included in the House Hearings.

fend the country.⁵

In some respects, questioning in both houses was more revealing than the prepared statements. Democratic Senator Robert R. Reynolds of North Carolina, an isolationist,⁶ and one who allowed the use of his franking privilege by such groups as the Make Europe Pay War Debts Committee and the Islands for War Debts Committee, both German propaganda front, non-existent organizations,⁷ wanted to know if Clark or his group favored acquiring Atlantic bases from Labrador to Trinidad. Clark replied that all the islands should be in friendly hands, and if Britain were about to fall, then the United States should attempt to acquire them.⁸ The danger of British and French possessions in this hemisphere falling into German hands had hopefully been avoided by the passage of the Hemisphere Bill, which stated that the United States

⁵ Ibid., pp. 6-33.

⁶ Wayne S. Cole, "Senator Key Pittman and American Neutrality Policies, 1933-1940," The Mississippi Valley Historical Review, XLVI, No. 4 (March, 1960), p. 647.

⁷ John Roy Carlson, pseudonym for Arthur Derounian, Under Cover: My Four Years in the Nazi Underground of America (New York: American Book Stratford Press, 1943) pp. 128-129. Other congressmen who loaned their franks were Clare E. Hoffman, Henry C. Dworshak, Bartel J. Jonkman, Harold Knutson, John G. Alexander, Hamilton Fish, James C. Oliver, Gerald P. Nye, and D. Worth Clark.

⁸ Senate Hearings on S. 4164, pp. 10-12.

would not recognize any transfer of American territory to a non-American nation, and if such were attempted, then the American nations would jointly decide how to handle the problem.⁹ In effect, the question posed by Senator Reynolds had already been answered by this statement of policy by Congress.

In the Senate hearings Clark argued that the only limitation placed on the number of men to be inducted for training would be in appropriations, which Congress had to make prior to induction;¹⁰ in his testimony before the House of Representatives' committee, he suggested the same thing.¹¹

Retired General John McAuley Palmer, testifying for the Military Training Camps Association, stated that compulsory service was not a foreign invention, but was rather American in nature, for George Washington had proposed such a plan in

⁹"Monroe Doctrine Made Statutory," American Bar Association Journal, XXVI, No. 7 (July, 1940), p. 549.

¹⁰Senate Hearings on S.4164, pp. 12-15.

¹¹United States House of Representative, Hearings Before the Committee on Military Affairs, House of Representatives, Seventy-Sixth Congress, Third Session, on H. R. 10132, A Bill to Protect the Integrity and Institutions of the United States Through a System of Selective Compulsory Military Training and Service, (Washington: Government Printing Office, 1940), p. 12. Hereinafter cited as House Hearings on H. R. 10132.

1790.¹² General Palmer suggested that had Washington's proposal been accepted, then the United States would now be "more powerful for war or peace than any European autocracy."¹³

In his appearance before the Committee of the House of Representatives, the general did not escape heavy questioning, as he did in the Senate. After stating that it would be dangerous to speculate as to the number of men needed, Representative R. Ewing Thomason, Democrat of Texas, and ranking member behind Chairman Andrew May of Kentucky, stated his conviction that all the needed men could be obtained by increasing enlistments, and by expanding the Civilian Conservation Centers, the Reserve Officer Training Corps, and the Citizens Military Training Camps.¹⁴

After the sponsors had testified, various groups and individuals supporting conscription stated their positions. National Guard officers, led by Major Generals William N. Haskell, Commanding Officer, New York National Guard, and

¹² Senate Hearings on S. 4164, p. 46: See John McAuley Palmer, Washington, Lincoln, Wilson: Three War Statesmen (Garden City, New York: Doubleday, Doran and Company, 1930) pp. 95-123, for full discussion.

¹³ Senate Hearings on S. 4164, p. 46.

¹⁴ House Hearings on H. R. 10132, pp. 48-49, 55.

Milton A. Richard, Commanding Officer, 29th National Guard Division of Maryland, told of the problems which they thought to be common to all Guard units. The first was expansion, and the second was a lack of modern equipment,¹⁵ both of which were brought on by expansion of the Regular Army and the resulting demands for men and material. To correct this, both generals felt that if the draftees were allowed to serve a shorter tour of active duty, and then required to serve for three to six years in the Guard to complete their service obligation, this would insure continuation of the National Guard and bring it to full strength.¹⁶

Educators sprang to the bill's defense and for the most part supported it. James Conant, president of Harvard University and a member of the Emergency Committee of the Military Training Camps Association, and Walter Hüllihen, president of the University of Delaware, both spoke for the measure, but urged deferments for science and medical students, and for teachers in the applied sciences.¹⁷

Dr. George F. Zook, president of the American Council on Education, put forward a five-point program urging that the

¹⁵Senate Hearings on S. 4164, p. 48.

¹⁶Ibid., pp. 49-59-60.

¹⁷Ibid., pp. 24-25, 135, 138-139.

draft be applied to men over twenty-one, as they were at their physical peak; also if age groups 18 to 20 were needed, that then special programs should be developed to serve the present and future needs of the young people. This witness asked that educational deferments be based on a selective qualified basis, that teachers be deferred, and that the R.O.T.C. program be continued. He presented a program that school and universities could follow to aid national defense. First, he said, the schools should readjust their programs so that persons twenty-one years of age or older who were selected could complete their education. Second, the schools should expand their programs to give supplemental, but undefined, training not available. Third, increased attention should be given to the study of democracy, its meaning, appreciation, and values.¹⁸

Dr. Guy E. Snavelly, Executive Director of the Association of American Colleges, said, after polling his group, "they are friendly to the bill in general," but he did voice some objections to certain features. He recommended that the Senate Committee should make the bill "very selective" as the Army did not have the manpower to train all men in the age group 21 to 30. The second point he raised was that the Army

¹⁸Ibid., pp. 127-131.

did not seemingly have sufficient personnel to train the R.O.T.C. units, and he cited the fact that of the more than five hundred schools that his association represented, only about fifty had R.O.T.C. units, while the others were trying to get them, but could not, due to the lack of Army personnel.¹⁹

The new Secretary of War, Henry L. Stimson, endorsed the Burke-Wadsworth bill. He proposed to the President that the Civilian Volunteer Effort be abandoned, slowed down a study by the War Department of conscription which he thought would hurt the bill, and instructed General George C. Marshall, Army Chief of Staff, to accept the principle of the bill. Since the President did not intervene to prevent it, and since Marshall had been given a direct policy to follow,²⁰ when he testified on July 12, he endorsed the bill, declaring, "We want this bill, now..."²¹

¹⁹ Ibid., pp. 132-133. For some unknown reason, educators did not testify before the House Military Affairs Committee.

²⁰ Mark Skinner Watson, United States Army in World War II: The War Department Chief of Staff: Prewar Plans and Preparations (Washington: Historical Division, Department of the Army, 1950), p. 192; Forrest Pogue, George C. Marshall: Ordeal and Hope (New York: Viking Press, 1966) p. 58. Pogue stated that Marshall "testified willingly in support of the draft bill."

²¹ Senate Hearings on S. 4164, p. 327.

According to General Marshall's testimony, the Army and the National Guard needed this bill to bring themselves to full strength. This could best be done by filling their ranks with drafted men. If this were not permitted, then it would be necessary to take cadre men from the Army to train the inductees. The Chief of Staff said that the Army could not handle the training in any other manner, as it lacked both supplies and personnel. The National Guard had to be called to active duty. Both groups would benefit, for the Guard could fill its ranks, train its own recruits, and put itself on a "sound footing," while the Army could utilize the National Guardsmen as cadre men, but more important, it could utilize its equipment for training the new men.²²

General Marshall cited current Army strength at 255,000 and said that he wanted a peacetime strength of 335,000 ground troops and a 40,000 man Air Corps. He thought that voluntary enlistments would supply the men in about ten months, if the current enlistment rate continued. Admitting that some men were being turned away because of a lack of funds, he wanted voluntary enlistments to continue as they were, to supply the "core" around which the inductees would be trained. If voluntary enlistments were not continued, he warned that the Army might have a complete turnover in per-

²²Ibid., pp. 327-329, 333-335, 338-339.

sonnel every year.²³

Before the House Committee, after repeating most of his Senate testimony, the Chief of Staff stated that the Army could not get the men it needed by voluntary enlistments; therefore, it needed conscription. While mentioning unit equipment in the Senate, before the House Committee, General Marshall stated that some shortages would exist, mainly in clothing, blankets and overcoats, but they could be obtained from commercial sources. He assured the Committee that adequate housing would be available by October 1, and that the equipment for training the men to be "modern soldiers" would be available when and if the men were called to active duty.²⁴

General Marshall's testimony had been broad in nature, generally concerning itself with the whole bill and its philosophy. He produced representatives of the General Staff to give specific testimony concerning certain provisions. These officers showed that they had studied the problems and had specific answers for some of them.

Brigadier General William E. Shedd, Jr., Assistant Chief of Staff, G-1, personnel, explained that the Army needed a procurement system that would produce the quantity of men at

²³Ibid., pp. 330, 333-336, 340.

²⁴House Hearings on H. R. 10132, pp. 103, 109.

the needed time, and in an orderly and efficient manner. Voluntary enlistment did not meet those requirements, nor did it spread service over the whole population. General Shedd thought, however, that the Army should have conscription even if present enlistment quotas were met. He suggested certain improvements to be included in the proposed law: lengthening active duty time, raising pay, limiting exemptions, and finally, prohibiting substitutes or buying one's way out of the service.²⁵

General Shedd made three appearances before the House Military Affairs Committee. The first was to give essentially the same statement he made before the Senate Committee. His second appearance was to ask the House to include the Soldier's and Sailor's Civil Relief Act of 1940, providing for relief of civilian incurred debts until the serviceman was released from active duty. It was during this second appearance that the inevitable question of availability of housing arose. He stated earlier that the men could be quartered in tents in the South, but billets would have to be built in the North. Apparently Representative Charles R. Clason, moderate Republican of Massachusetts,²⁶ was not sat-

²⁵ Senate Hearings on S. 4164, pp 350-356; House Hearings on H. R. 10132, p. 68.

²⁶ Roland Young, Congressional Politics in the Second World War (New York: Columbia University Press, 1956), p. 249.

isfied, for he asked why the War Department planned to call only 55,000 National Guardsmen to active duty. When Shedd answered that it was a matter of quotas, Clason asked where the inductees would be housed. General Shedd attempted to assure the Committee that housing would be available by January 1, 1941, but that would depend on the time of passage of the currently-proposed legislation. Again he assured the House Committee that the Army would not call men to duty unless it had the equipment to train them, but he added that the War Department opposed any amendment that would impose such restrictions.²⁷

General Shedd agreed that one-year enlistments and \$30.00 a month pay might increase enlistments, but he also felt that Army efficiency would diminish, personnel turnover would be rapid, and overseas garrisons could not be adequately maintained if this was done. At this third appearance, General Shedd definitely stated that the Army opposed one-year enlistments. He recommended, at this same appearance, that divinity students be deferred. He also pointed out that War Department plans had been altered due to Congressional delay. However, both the Washington Post and the New York Times thought the General's statement would have little effect on

²⁷House Hearings on H. R. 10132, pp. 99, 492-493, 503, 505-506, 512-513.

either the House Hearings or the Senate debates.²⁸

Lieutenant Colonel Harry L. Twaddle was representing Brigadier General Frank M. Andrews, Assistant Chief of Staff, G-3, training and operations, during his testimony. He stated that the War Department favored eighteen months of training and after the emergency was passed, then the period of service might be reduced to fifteen months. The Army had made plans for either eighteen or fifteen months period of service.²⁹ Later, before the House Committee, it was pointed out that the Army had restructured its training timetable to twelve months,³⁰ most probably to conform to the Senate version of the bill, which was being drafted at the time.

Major Lewis B. Hershey, who was to become the Director of the Selective Service System after 1941, and one of the officers who helped the Military Training Camps Association draft its bill, in his appearance before the Committee, stated that the machinery to implement conscription was already in existence, and that conscription had been studied since

²⁸Ibid., pp. 535-536, 551; Washington Post, August 18, 1940, p. 28; New York Times, August 14, 1940, p. 1

²⁹Senate Hearings on S. 4163, pp. 366-368.

³⁰House Hearings on H. R. 10132, pp. 92-93.

1926 by the Joint Army-Navy Selective Service Committee.³¹

To implement the plan, local voting precincts would be used to register the men, and the forms would be sent along the voting routes to the county, which would have the duty to sort and classify them. Major Hershey declared that he was not willing to defer students in any academic subjects at the time.³²

Others came forward to testify and to a large extent repeated what had already been said. Rear Admiral Chester W. Nimitz, Chief, Bureau of Navigation, which contained the Navy Recruiting Service, asked for the bill's adoption but possibly gave opponents a strong argument against it at the same time, when he said that the Navy had a waiting list of 7,000 men because it did not have the facilities to care for the new volunteers.³³

The supporters of conscription founded their arguments on the European War, America's unpreparedness, and the assertion that conscription was consistent with American tradi-

³¹Senate Hearings on S. 4164, pp. 350-351.

³²Ibid., pp. 374, 381-382; House Hearings on H. R. 10132, pp. 114-115, 117, 119.

³³Bureau of Navigation, Navy Department, Navy Directory (Washington: Government Printing Office, 1940), p. 286; Senate Hearings on S. 4164, pp. 362-365.

tions. The major problems that they saw in making the program effective were a lack of equipment, which could be overcome by calling the National Guard to duty, and a lack of time. That, they pointed out, depended on the speed of Congress. Secretary of the Navy, Frank Knox, stressed that a large army would be unnecessary with both an Atlantic and Pacific Fleet, but at the moment, the nation had neither and would not have an effective two-ocean Navy until 1946.³⁴

Opposition to the Burke-Wadsworth bill came largely from pacifist organizations and religious and women's groups. For the most part, just like the proponents, their testimony was repetitious. The opposition, unlike the supporters, could be easily divided into two groups: the first group being those who expressed complete disapproval, and the second group, those who wanted complete exemption or non-combat training for conscientious objectors.

Miss Catherine FitzGibbon, representing the Women's International League for Peace and Freedom,³⁵ stated that her

³⁴House Hearings on H. R. 10132, pp. 570-575.

³⁵One of four groups, the others being the National Council for Prevention of War, the Keep America Out of War Congress, the Youth Committee Against War, that Wayne S. Cole, America First: The Battle Against Intervention, 1940-1941 (Madison: University of Wisconsin Press, 1953), p. 90, called "reputable," without defining the term.

group had as its ultimate goal that of world disarmament, but was not opposed to the United States armaments program at this time, in view of world conditions. It opposed conscription because universal compulsory service in peacetime was "undemocratic and reversed American tradition," might not be necessary, and might not provide an adequate national defense. To her group, the act approximated Hitlerism and its provisions were totalitarian.³⁶ Unfortunately, Miss FitzGibbon failed to explain the basic contradictions in her statement. Her group did not oppose armaments in view of world conditions, but conscription was considered unnecessary. Her solution to the manpower problem was the use of the volunteer enlistee.³⁷ Yet, she failed to show that volunteers would be capable of providing an adequate national defense.

During the House Committee hearings, Dorothy Detzer, National Secretary of the Women's International League for Peace and Freedom, and a habitual lobbyist since 1925,³⁸ replaced Miss FitzGibbon as the group's spokeswoman. Miss

³⁶ Senate Hearings on S. 4164, pp. 144-146.

³⁷ Ibid., p. 147.

³⁸ Dorothy Detzer, Appointment on the Hill (New York: Henry Holt and Company, 1948), p. 43.

Detzer objected to the bill, and she asserted that the American people failed to understand the existing world threat, that the President was not keeping the people informed, and that the young men subject to the proposed draft might have to serve outside the United States.³⁹ Her assertion that a credibility gap existed, the difference in information between what the President knew and what was being told to the public, hovered over the hearings, despite assurances by friends of the bill that all facts about the state of the national emergency were clearly available.

Dr. Howard K. Beale, professor of American History at the University of North Carolina, representing the American Civil Liberties Union,⁴⁰ urged that provisions in the British National Service Act of 1939 be incorporated in the proposed law. These would, he argued, preserve liberty of conscience for they permitted conscientious objection on other than religious grounds.⁴¹ Before the House Committee, after repeating his statement, he added that penalties for those convicted under the act should be limited to the duration of the

³⁹House Hearings on H. R. 10132, p. 375.

⁴⁰The left of center organization founded in part by Socialist Norman Thomas, but professing no particular political belief. Manfred Jonas, Isolationism in America, 1935-1941 (Ithaca: Cornell University Press, 1966), p. 79.

⁴¹Senate Hearings on S. 4164, pp. 301-310.

war.⁴²

Church groups came forward, largely to argue against the bill, and then to ask that a liberal conscientious objector clause be included. Monsignor Michael J. Ready, Secretary of the National Catholic Welfare Conference, after stating that the bill was unnecessary, urged that divinity students and lay church workers be exempted.⁴³

Protestant opposition came, for the most part, during the House Hearings. Traditionally pacifist groups, or advocates of non-combatant service, such as the Quakers, the Mennonites, and the Seventh Day Adventists appeared and repeated their requests for exemptions. Charles S. Longacre, a Seventh Day Adventist, changed his Senate testimony. Before the Senate, he asked that his group be allowed non-combatant status;⁴⁴ before the House he pleaded that members of any religious group should be covered by the conscientious-objector clause.⁴⁵

Amos Horst, a Mennonite minister, stated his group's philosophy and its refusal to support any war efforts except to be good citizens. Democratic Congressman Charles Faddis

⁴²Senate Hearings on H. R. 10132, pp. 185-186.

⁴³Senate Hearings on S. 4164, pp. 285-286.

⁴⁴Ibid., p. 196.

⁴⁵House Hearings on H. R. 10132, pp. 151-152.

of Pennsylvania, who had established himself as the most militant member on the House Committee, asked the Mennonite minister if his church was not in fact willing to let others die to protect the freedoms that it desired. Horst refused to answer.⁴⁶

Quaker spokesmen urged that conscientious objectors be handled by civil rather than military authorities. They urged complete exemptions for those who were opposed to compulsory service and exemptions for others for service that they could not accept. They also urged that all conscientious objectors be treated equally.⁴⁷ The Quakers could report to the House that some of their proposals had been included in the Senate version of the bill, such as registering and conducting hearings to determine conscientious objector status, and they asked that the House Committee do the same.⁴⁸

Segments of other Protestant church groups, Baptist, Protestant Episcopal, Churches of Christ, Congregational and Christian Churches, Methodist, and Disciples of Christ, spoke in opposition to conscription. The Baptist representative, Reverend Eugene M. Austin, Tioga Baptist Church in Philadel-

⁴⁶ Ibid., pp. 195, 198-199.

⁴⁷ Senate Hearings on S. 4164, p. 164.

⁴⁸ House Hearings on H. R. 10132, pp. 201-202.

phia summarized his philosophy as being that "those who live by the sword shall die by the sword." Congressman Faddis asked him if any nation "has ever maintained, defended itself, or even existed" with that philosophy. Austin replied, "No, sir."⁴⁹

The Reverend Paul Schilling, Chairman of the Committee on World Peace, Baltimore Conference of the Methodist Church, repeated what had been said many times before. Faddis asked Schilling if Hitler had any influence on the decline of French morale. Schilling replied that he thought that it was conceivable. Continuing, Faddis asked if Hitler was having any influence in the United States. Schilling replied, "Of course he is." Faddis finally asked, "Would the fact that every argument against this bill practically follows the same text and sequence, be any proof that there is something back of it, all emanating from one source?" Schilling denied this and claimed that the same was true of the arguments of the supporters of the bill, which Faddis denied.⁵⁰

Others came forward to testify and virtually repeated the same arguments that had already been given. Benjamin C. Marsh, executive secretary of the People's Lobby and a peren-

⁴⁹ Ibid., pp. 344, 347.

⁵⁰ Ibid., pp. 460-465.

nial lobbyist,⁵¹ and possibly a Communist sympathizer,⁵² argued that conscription was a method to suppress labor agitation and for the industrial interests to protect themselves. He suggested that before Congress took men for service by a draft of manpower, they might better take over all industries related to war.⁵³ Before the House, Marsh repeated large segments of his Senate statements, but he also proposed to offer three amendments to the bill. The first one, and the only one actually offered, would have members of Congress who were eligible for service (ages 21-45), "resign their \$10,000 per year jobs and take \$21.00 a month jobs, confident that their employers would remember them at the expiration of their service." Faddis asked the witness to what section of the proposed law the amendment went, to which Marsh replied, "Where? Anywhere you dare put it." Since Marsh did not know where the amendment went, Faddis concluded that the Committee could "presume that [Marsh] was talking nonsense and clap-

⁵¹ Benjamin C. Marsh, Lobbyist for the People: A Record of Fifty Years (Washington: Public Affairs Press, 1953).

⁵² Eugene Lyons, The Red Decade: The Stalinist Penetration of America (New York: Bobbs-Merrill Company, 1941), p. 345.

⁵³ Senate Hearings on S. 4164, pp. 267-268, 277.

trap."⁵⁴

Still other groups, such as the Farmers Union, the American Student Union, and the American Youth Congress,⁵⁵ argued that Congress should enact social, political, and economic legislation, and by doing so would create an adequate national defense.⁵⁶ These persons, however, failed to state how their programs would have aided defense.

The opposition had for the most part argued that conscription was undemocratic, un-American, and unneeded. Some said that if the people understood the crisis envisioned by the bill, and if an appeal for volunteers was made, the volunteers would come forward. However, none could substantiate their claims. For the most part, the opponents failed to justify their arguments.

The Senate Military Affairs Committee concluded its five days of hearings on July 12, and then recessed to permit Dem-

⁵⁴House Hearings on H. R. 10132, p. 160.

⁵⁵Lyons, The Red Decade, pp. 38, 376, 387; Harold Lavine, Fifth Column in America (New York: Doubleday, Doran & Co., 1940), pp. 215-216. Except for the Farmers Union described as having some Communist infiltrations, "extremely faint echo in the Farmers Union", both writers agree that the Communists had either full control or substantial infiltration in the organizations, as to influence their direction.

⁵⁶Senate Hearings on S. 4164, pp. 177-178, 293, 297; House Hearings on H. R. 10132, pp. 443-444, 288-290, 293.

ocrats to attend their national party convention. The party drafted a defense plank pledging not to send American troops to fight in foreign countries unless the United States was attacked.⁵⁷ Reinforced with this plank and the President's pledge of July 11, not to send troops abroad, Senator Morris Sheppard, Democrat from Texas the Chairman of the Military Affairs Committee, said that he would assemble the Committee to finish drafting the bill during the week of July 22.⁵⁸ This was done in consultation with the War Department, so that "administration views" would be included.⁵⁹

By July 26, the bill was substantially the same as when it was introduced in June except that the period of active duty was now one year instead of eight months, pay had been raised to \$21.00 a month instead of \$5.00, and provisions had been included that would permit the Justice Department to investigate conscientious objector claims. Progress was being made and the Washington Post thought that the Senate Committee would approve its version of the bill on July 29,

⁵⁷ National Party Platforms, 1840-1960, compiled by Kirk H. Porter and Donald Bruce Johnson (Urbana: University of Illinois Press, 1961), p. 382.

⁵⁸ Washington Post, July 22, 1940, p. 3.

⁵⁹ Ibid., July 23, 1940, p. 1.

and present it to the Senate on the following day.⁶⁰

Complications arose to alter the schedule. The Committee broke off debate after hurling partisan charges back and forth.⁶¹ The Senate Committee altered the original age brackets from 21 to 45 so as to register only those men 21 to 31 years of age. This was done in spite of the Budget Bureau's support, which might be equated with Presidential approval.⁶² Further problems arose when Oklahoma Democrat Josh Lee, one who was friendly to the administration, and Republican H. Styles Bridges of New Hampshire, an administration opponent,⁶³ proposed to limit the number of men drafted to one million and to require Congressional approval for future drafts beyond that number.⁶⁴ The bill seemed to be lingering in Committee without much prospect of coming to the floor for debate.

On August 1, President Franklin D. Roosevelt told reporters that it had been pointed out to him that his silence was

⁶⁰ Ibid., July 28, 1940, p. 1.

⁶¹ Ibid., July 29, 1940, pp. 1, 5.

⁶² New York Times, August 1, 1940, p. 1.

⁶³ James T. Patterson, "A Conservative Coalition Forms in Congress, 1933-1939," The Journal of American History, LII, p. 760.

⁶⁴ New York Times, August 2, 1940, p. 3.

in part responsible for the bill's delay. He expressed "hope and confidence" that Congress would immediately enact some form of conscription.⁶⁵ At his news conference the next day, one reporter conceded that the President had made generalized statements in support of expanding the armed forces, but asked him if he was willing to be quoted "that you are distinctly in favor of a selective training bill---". The President interrupted to say, "and consider it essential to adequate national defense. Quote that."⁶⁶

After the President's press conference, the Senate committee defeated the Lee-Bridges amendment and a second Lee proposal to limit those called to 800,000. Next, the Senate committee proposed to bring the bill to a vote on August 4.⁶⁷ After considering six versions, excluding the original, the Senate Military Affairs Committee voted 13 to 3 to approve the bill as amended and send it to the floor for considera-

⁶⁵Christian Science Monitor, August 1, 1940, p. 1.

⁶⁶Franklin D. Roosevelt, The Public Papers and Addresses of Franklin D. Roosevelt: War and Aid to the Allies, 1940 (New York: Macmillan Co., 1941), p. 321.

⁶⁷Washington Post, August 3, 1940, p. 1.

tion.⁶⁸

While the Senate was drafting its version and then conducting debate, the House Military Affairs Committee was conducting its eleven days of hearings, between July 10 and August 14. That could explain in part why more opposition and fewer supporting witnesses testified before the House Committee. The House voted on August 6 to close its hearings and begin consideration of the measure, but it reversed itself the next day to resume public hearings. The Washington Post felt that, in spite of the list of impressive witnesses invited to appear, such as former Secretary of War Woodring, Secretary of the Navy Frank Knox, and General John J. Pershing, the move was a means to delay a House vote and await Senate action.⁶⁹

The House Committee voted to restore almost the original age limits. This would require men 18 to 64, instead of 65, to register and would make age group 21 to 45 liable for service. It rejected an amendment to delay conscription until

⁶⁸ Director of Selective Service, The Selective Service Act: Its Legislative History, Amendments, Appropriations, Cognates and Prior Instruments of Security, Special Monograph No. 2, Vol. I (Washington: Government Printing Office, 1956), p. 85. Committee prints can be found in Ibid., pp. 258-262.

⁶⁹ Washington Post, August 11, 1940, Section III, p. 1.

war was declared, and eliminated the home guard provisions.⁷⁰ Yet, progress on the bill was very halting. The New York Times predicted that the House Committee would report its bill on August 27, and quoted Majority Leader Sam Rayburn, Texas Democrat, as saying that if the Senate had not acted by then, the House would call up its own version of the bill.⁷¹ After two revisions, the House Committee approved its version of the bill on August 29,⁷² one day after the Senate passed its version, and instructed the Committee Chairman Andrew May to get a special rule to bring the bill to the floor on September 3, for two days of general debate.⁷³

Public opinion had solidified in support of conscription. On June 24, 1940, 64% favored compulsory training for all men while 71% favored drafting to fill the ranks of the Regular Army only.⁷⁴ In the last week of July, while the Senate was drafting its version of the bill, and the House was conduct-

⁷⁰ New York Times, August 22, 1940, pp. 10, 18.

⁷¹ Ibid., August 26, 1940, p. 10.

⁷² Director of Selective Service, The Selective Service Act, p. 85. Committee prints are included, Ibid., pp. 382-383.

⁷³ Washington Post, August 30, 1940, p. 1.

⁷⁴ "Public Opinion: Everything for Defense," Time, XXXVI, No. 1 (July 1, 1940), p. 18.

ing hearings, the Gallup Poll showed 67% favoring conscription.⁷⁵ By the end of August, 71% of the people favored compulsory military training for all men.⁷⁶

⁷⁵Washington Post, July 28, 1940, p. 3B; Life conducted its own survey using Elmo Roper with substantially the same results, 70.7% favoring immediate compulsory military training for all young men. "What the U.S.A. Thinks," Life, IX, No. 5 (July 29, 1940), p. 20.

⁷⁶New York Times, August 30, 1940, p. 10.

CHAPTER III

THE POLITICIANS

Preliminary debate started while the Burke-Wadsworth bill was still in committee. On July 10, 1940, Warren R. Austin, Republican from Vermont and ranking minority member of the Senate Military Affairs Committee, stated that there existed in the nation "a widespread and deeply rooted persuasion that Congress should act rapidly."¹ Supporting this view, Edward R. Burke, Democrat from Nebraska and the bill's sponsor in the Senate, stated that from his reading of the press, the American people could well be ahead of Congress in realizing the need for a selective service and training act.²

Questions were raised that would to some extent form the basis for opposition. Isolationist Arthur H. Vandenberg, Republican of Michigan, raised a question concerning the degree of success or failure of the voluntary enlistment pro-

¹Congressional Record, Seventy-sixth Congress, Third Session, LXXXVI (Washington: Government Printing Office, 1940), p. 9385.

²Ibid., p. 9386.

gram. Maryland Democrat Millard E. Tydings wondered first if the Army wanted conscription, but yet did not have the time and talent to train an army of conscripts. Austin answered Tydings, stating that the Army did want conscription and could train the men.³

As time neared for detailed consideration of the measure, each side attempted to present its best case. Vandenberg introduced a letter from former Secretary of War Harry H. Woodring asserting that the voluntary system had not failed and that it should be given a further fair trial.⁴ The senator added a printed interview with Raymond J. Kelley, National Commander of the American Legion, in which he stated that conscription should be a last resort and then should be all inclusive.⁵

Sherman Minton, Democrat of Indiana and future Supreme Court Justice, countered Vandenberg's presentation by introducing the transcript of a radio speech given by General John J. Pershing, in which he called for universal military training, supporting Britain as long as possible, and favoring the idea of exchanging destroyers for naval bases in the

³Ibid., p. 9391.

⁴Ibid., pp. 9825-9826.

⁵Ibid., p. 9826.

western hemisphere.⁶

The exchanges continued with Morris Sheppard, Democrat from Texas and Chairman of the Senate Military Affairs Committee, and Burton K. Wheeler, Democrat from Montana, a former Progressive and isolationist, debating the question as to whether any immediate emergency faced the United States. Finally, Wheeler asserted that the only emergency that he could see was "...that an election is coming on."⁷

Senate Majority Leader, Alben W. Barkley, Democrat of Kentucky, had planned to bring the conscription bill to the Senate floor on August 7, but debate began one day early.⁸ During consideration of the National Guard Bill, which would permit the President to call the reserve forces to active duty, isolationist Rush D. Holt, Democrat of West Virginia, launched into a bitter attack on those who had authored the bill. He accused them of being "dollar patriots of Wall Street."⁹ He became more vituperative, accusing Grenville Clark of income tax evasion, and Julius Ochs Adler, general

⁶Ibid., pp. 9226-9227.

⁷Ibid., p. 9838.

⁸The Washington Post, August 7, 1940, p. 1.

⁹Ibid.

manager of the New York Times, of owning investments in countries then at war. Further, Holt alleged that international bankers and directors of war-related industries desired conscription to protect their economic investments.¹⁰ These views were typical of a group of isolationists of the late 1930's.

Minton accused Holt of being representative of a "slacker family", whose father would not grow food for the Army during the first World War, and whose brother had fled to South America to avoid service.¹¹ The exchange degenerated into name calling. Holt accused Minton of throwing filth for the administration, and Minton said that Holt was doing the same for Hitler. Such words as "rat", "liar", "slacker" were hurled, and Holt finally charged that Minton was "not in shape to be on the floor."¹² Holt did not explain the last statement, but the Washington Post thought that it meant that Minton was accused of being intoxicated.¹³

The next day Grenville Clark and Julius Ochs Adler re-

¹⁰Congressional Record, pp. 9921-9923.

¹¹Ibid., p. 9923; Washington Post, August 7, 1940, p. 1.

¹²New York Times, August 7, 1940, p. 2.

¹³Washington Post, August 7, 1940, p. 14.

plied to the charges made by Holt, claiming that they were false. Clark asserted that "every demagogic effort, every device of false rumor and mis-statement, every intrigue of the agents of Hitler may now be expected to try to defeat this bill."¹⁴

These exchanges prior to the bill's being called to the floor served to warn supporters of the measure that debate would be long and harsh, despite some Senate leaders' optimism in predicting two weeks debate.¹⁵ The preliminary skirmishes also served to indicate the opposition's strategy. In late July, Wheeler and Robert A. Taft, Republican from Ohio and a defeated candidate for his party's presidential nomination,¹⁶ asserted that the Army could get all the needed men by voluntary enlistments if it reduced the enlistment period to one year.¹⁷ Vandenberg went further to assert that if the bill were passed then "nothing is left but to pull the trigger."¹⁸

¹⁴New York Times, August 7, 1940, p. 2.

¹⁵Ibid., p. 1.

¹⁶Selig Adler, The Isolationist Impulse (New York: Abelard-Schuman, 1957), p. 310.

¹⁷Washington Post, July 29, 1940, p. 1.

¹⁸Ibid., July 26, 1940, p. 3.

From this, the Washington Post concluded that debate would probably be "as tumultuous as any the halls of Congress has seen in decades."¹⁹ Matthew M. Neely, West Virginia Democrat, and Chairman of the Senate Rules Committee, warned that the "barroom brawl" type exchanges of Minton and Holt would not be tolerated in future debates, and he would invoke the rules necessary to prevent its happening.²⁰

While opponents were busy announcing their views, the proponents remained largely silent. At his press conference on August 2, President Roosevelt endorsed conscription by stating, "I am distinctly in favor of a selective training bill and consider it essential to adequate national defense."²¹ The stance taken by the President was not surprising for he had supported such a measure before, during, and following the World War.²²

The following day, pro-conscriptionists attempted to

¹⁹ Ibid., July 28, 1940, p. B-3.

²⁰ New York Times, August 8, 1940, p. 1.

²¹ Franklin D. Roosevelt, The Public Papers and Addresses of Franklin D. Roosevelt: 1940, War and Aid to Democrats (New York: Macmillan Co., 1941), p. 321.

²² James MacGregor Burns, Roosevelt: The Lion and the Fox (New York: Harcourt, Brace & Co., 1956), p. 321.

find support for the measure but encountered such opposition that even the bill's sponsor was predicting some type of compromise.²³ Opposition was coming, according to Drew Pearson, from "isolationists, Roosevelt haters of Democratic and Republican leaning, pacifists, Bundists, Coughlinites, Communists, leftist labor elements, and Fifth Columnists."²⁴

One group of opponents did announce that they would support calling the National Guard to active duty, hoping that this would make conscription unnecessary.²⁵ However, seven of the opponents refused to support even this measure.²⁶ Some draft foes wanted to amend the National Guard bill to permit calling only volunteers to active duty, but they were defeated 47-36, which could possibly be an indication of

²³ Washington Post, August 4, 1940, p. 1.

²⁴ St. Louis Star-Times, August 6, 1940, p. 11.

²⁵ Washington Post, August 6, 1940, p. 1.

²⁶ Congressional Record, p. 10068. Casting dissenting votes were Democrats William J. Bulow of South Dakota, Vic Donahey of Ohio, Guy M. Gillette of Iowa, and Rush D. Holt of West Virginia; Republicans John A. Danaher of Connecticut and Gerald Nye of North Dakota; and Farmer-Laborite Ernest Lundeen of Minnesota. Ellison D. Smith, Democrat of South Carolina indicated that he also would have cast a dissenting vote if he had not been paired.

future events.²⁷

The Burke-Wadsworth bill was called to the floor on August 8, along with the report of the Senate Military Affairs Committee, a majority of whom recommended passage. Three members, Democrat Edwin C. Johnson of Colorado, Republican John Thomas of Idaho, and Farmer-Laborite Ernest Lundeen of Minnesota, issued a minority report stating that they could support all provisions except those actually taking the men into service, the pay provisions, and the length of service provisions.²⁸

Formal debate followed Sheppard's reading of the bill. Those who were opposed, or gave indication of being opposed, began to question every clause and some problem areas began to emerge. Republican vice-presidential candidate, Charles L. McNary from Oregon showed that the bill was not understood for he thought that it provided only for conscripted service, while in fact it permitted voluntary enlistments as well.²⁹ Republican John A. Danaher of Connecticut, who had

²⁷Daily Oklahoman, August 8, 1940, p. 1.

²⁸U. S. Congress, Senate, Compulsory Military Training and Service, Report No. 2002, Seventy-Sixth Congress, Third Session, Vol. 1, Serial 1043 (Washington: Government Printing Office, 1940, pp. 11-13.

²⁹Congressional Record, p. 10098.

voted against the National Guard bill, and the old Progressive isolationist, Hiram Johnson,³⁰ of California, wanted to know more about the cost factors, exemptions, especially for divinity students, and the employment clauses.³¹

The first day of debate made no progress toward settlement of any issues. Senator Barkley rose several times to enter the discussions, at one time urging that the question of national defense be a non-partisan issue. The Washington Post concluded that with the Senator from Kentucky joining in the debate, the administration was beginning to support the measure.³²

Following the first week of debate, the strategy of both groups became clear. Senator Burton K. Wheeler, "the unchallenged kingfish of foreign policy obstructionists,"³³ and Republican Gerald Nye of North Dakota, isolationist or non-interventionist, and possessor of a "passionate hatred

³⁰ Donald R. McCoy, Angry Voices: Left-of-Center Politics in the New Deal Era (Lawrence: University of Kansas Press, 1958), p. 9; Marquis W. Childs, I Write from Washington (New York: Harper & Bros., 1942), pp. 158-159.

³¹ Congressional Record, pp. 10101-10107.

³² Ibid., p. 10107; Washington Post, August 10, 1940, p. 1.

³³ St. Louis Star-Times, August 12, 1940, p. 12.

for the President,"³⁴ stated that they intended to defeat the bill in the Senate or to force the House to seriously amend or defeat the measure. Popular opinion was to be their chief weapon, and both implied that a filibuster might develop.³⁵ One barrier existed for the opposition, the fact that a state by state survey showed that voters in all the states approved conscription by a national average of 66%.³⁶

Those supporting the proposal revealed that they intended to permit opposition speakers all the time that they desired. For if surveys of Senatorial opinion were correct, the proponents were in the majority.³⁷ The least favorable analysis of senatorial positions showed that about twenty senators were undecided or non-committed, with the remainder equally split. Thus, those twenty controlled the bill's fate.³⁸

The second week of debate opened with Nebraska's George Norris, a progressive and Independent Republican, and Arthur

³⁴Wayne S. Cole, Senator Gerald P. Nye and American Foreign Relations (Minnesota: University of Minnesota Press, 1962), pp. 168-169, 171.

³⁵New York Times, August 11, 1940, p. 1.

³⁶Washington Post, August 11, 1940, Section III, p. 1.

³⁷New York Times, August 10, 1940, p. 1.

³⁸Washington Post, August 12, 1940, p. 1.

Vandenberg leading the assault, to be joined on following days by Wheeler and Taft. All of them repeated the charges that the bill was un-American, undemocratic, and unnecessary. The proponents permitted those opposed to talk at extended length. Wheeler and Taft had a combined total of thirty-four pages in the Congressional Record.³⁹ The indications were that a small filibuster was in progress. This second week of the debate could be almost completely ignored, for limited progress was made. Josh Lee of Oklahoma, the "left-wing extremist,"⁴⁰ introduced an amendment to equalize military pay at \$30.00 per month after the first four months service.⁴¹ This move was seen as a step to remove some of the opposition's objectives. At the same time, acceptance for the amendment was almost assured when it gained support from Barkley and Sheppard.⁴² The opposition did manage to stop the debate on the proposal by calling for a quorum call and then stalling, but Lee's amendment passed the next day.⁴³

³⁹Congressional Record, pp. 10221-10239, 10296-10311.

⁴⁰"What's Holding Up Defense?" Business Week, No. 574 (August 31, 1940), p. 15.

⁴¹Congressional Record, p. 10121.

⁴²Oklahoma City Times, August 13, 1940, p. 1.

⁴³Congressional Record, p. 10318.

The Senate recessed on August 15 to permit the Republican members to attend Wendell L. Willkie's acceptance speech at Elwood, Indiana. Democratic senator Edwin C. Johnson of Colorado stated that the Republican presidential candidate controlled the fate of the draft bill. If he supported the measure, then it would pass; if he opposed it, then it would be defeated; if he straddled the issue, then some delaying amendment would probably be adopted.⁴⁴

National Republican Party Chairman, Joseph W. Martin, Jr., conservative Congressman from Massachusetts, begged the party candidate not to take the initiative on conscription and preferably avoid it.⁴⁵ Most Republicans felt that President Roosevelt could suffer two defeats in 1940; one, on conscription and the other in the election.⁴⁶ Willkie, however, endorsed conscription as the only democratic means of building the nation's armed forces; with this endorsement,

⁴⁴Washington Post, August 14, 1940, pp. 1, 9.

⁴⁵Joe Martin, told to Robert J. Donovan, My First Fifty Years in Politics (New York: McGraw-Hill Book Co., Inc., 1960), p. 110.

⁴⁶Ellsworth Barnard, Wendell Willkie: Fighter for Freedom (Marquette: Northern Michigan University Press, 1966), pp. 202-203.

conscription was removed from purely partisan politics.⁴⁷

The Washington Post enthusiastically stated that passage of the bill was virtually assured by Willkie's support.⁴⁸

Opponents of conscription interpreted Willkie's speech as being vague and of little consequence; to some extent that may be correct. Joseph Martin felt that in spite of the position taken by Willkie, a majority of the Republican party shared the opposite opinion.⁴⁹ While isolationist and pacifist groups were disappointed they managed to pull themselves together to support the Maloney amendment.⁵⁰

Democrat Francis T. Maloney of Connecticut proposed to register all men 21-31, and then delay conscription until January 1, 1941, or sixty days, whichever came later. During this time the President would issue a call for volunteers not to exceed 400,000 at a time, but limiting the actual manpower in service to one million at any one time. If sufficient volunteers did not come forward, then the president could induct enough men to equal the number for which the

⁴⁷ New York Times, August 18, 1940, p. 1.

⁴⁸ Washington Post, August 18, 1940, p. 1.

⁴⁹ Martin, My First Fifty Years in Politics, p. 108.

⁵⁰ Washington Post, August 18, 1940, p. 6.

call had been issued.⁵¹

Some indication of the opposition's inroads can be gained from press reaction. Informal polls revealed that many senators were apparently favoring some amendment to delay conscription. The St. Louis Star-Times reported that the Maloney amendment's fate rested in the hands of George Norris, Robert M. LaFollette, Ernest Lundeen and Henrik Shipstead, all isolationists and opponents of conscription.⁵² The New York Times was more optimistic, for it concluded that ten senators, unnamed, controlled the direction of the amendment.⁵³ After Willkie's speech, while both sides were predicting passage, the uncertainty as to who was uncommitted had been cut to one or two votes, still unnamed.⁵⁴ The strength of the opposition was predicted to be revealed with the vote for Maloney's amendment, but both camps were predicting some form of conscription would be enacted.⁵⁵

⁵¹Congressional Record, pp. 10830-10831.

⁵²St. Louis Star-Times, August 15, 1940, pp. 1, 4.

⁵³New York Times, August 15, 1940, p. 1.

⁵⁴Washington Post, August 18, 1940, p. 6.

⁵⁵New York Times, August 15, 1940, p. 18; August 19, 1940, p. 9.

The third week of debate opened and first indications were that it would continue in the same manner as the preceding weeks. Republican Arthur Capper of Kansas opened the debate for the opposition, repeating the same line of thought that had dominated the earlier debates. He asserted that the voluntary system should be tried until the new Congress met on March 1, 1941. He then indicated that he would support Maloney's amendment instead of the original bill.⁵⁶

Following Capper's speech, debate became livelier and turned to criticism of a speech by the United States Ambassador to France, William C. Bullitt, given in Philadelphia on August 18. In the speech he asked the American public to write their congressmen urging that conscription be enacted.⁵⁷ Isolationist reaction to his speech was intense. Democratic Senators D. Worth Clark of Idaho and Burton K. Wheeler denounced the speech as a "demagogic appeal" for the American people to enter the European war. The line that angered Clark the most was:

⁵⁶ Congressional Record, p. 10475.

⁵⁷ Washington Post, August 19, 1940, p. 24. Text of speech.

"When are we going to let legislators in Washington know that we don't want any more politicians who are afraid of the next election and scared to ask us to make the sacrifices that we know are necessary to preserve our liberties...?"⁵⁸

The Senator from Idaho declared that no previous United States Ambassador, while in office, "dared to refer to the Senate and the House of Representatives in such terms."⁵⁹ Wheeler charged that the speech was "very little short of treason," and alleged that it probably had prior approval from the State Department or the President.⁶⁰

After the tirade concerning the speech and who was or was not responsible for it, the Senate seemed to be making progress. Several minor amendments were offered to exempt divinity students, to have the government assume responsibility for printing the necessary forms, and to include provisions of the Soldiers and Sailors Civil Relief Act in the draft bill.⁶¹ Senators Clark of Missouri and John A. Danaher, Republican of Connecticut, who had voted against the National Guard bill, introduced irrelevant items seeming-

⁵⁸ Ibid.

⁵⁹ Congressional Record, p. 10480.

⁶⁰ Ibid., pp. 10483, 10488.

⁶¹ Ibid., pp. 10493-10494, 10500.

ly to sidetrack further consideration of the bill.⁶²

The Senate continued to move toward a settlement with glacial speed. In an effort to expedite passage, the President called a strategy meeting at the White House. The pattern that emerged was to have one proponent battle one opponent and counteract his arguments. At that meeting, Tom Connally, Democrat of Texas and "less than a total Roosevelt man,"⁶³ said that he would take Vandenberg.⁶⁴

The same day the President held a news conference and in answer to a question said that he was "absolutely opposed to the postponement," the Maloney amendment, and then urged immediate passage of the bill.⁶⁵ This action concluded the Christian Science Monitor, was the "go ahead" for Congress, which had been awaiting the President's position⁶⁶ and the

⁶² Ibid., pp. 10494, 10510-10511.

⁶³ William S. White, Majesty and Mischief: A Mixed Tribute to FDR (New York: McGraw-Hill Book Co., Inc., 1961), p. 111.

⁶⁴ Thomas Terry Connally, My Name is Tom Connally (New York: Crowell, 1954), p. 238.

⁶⁵ Roosevelt, The Public Papers and Addresses of Franklin D. Roosevelt, pp. 337, 340-341.

⁶⁶ Christian Science Monitor, August 24, 1940, p. 1.

President's move was interpreted to mean the defeat of Maloney's amendment.⁶⁷

Continued debate would seem futile as both presidential candidates had openly supported conscription. For the first time the word "filibuster" crept into the debate, and immediately opponents hotly denied the charge.⁶⁸ While the Senate leadership was denying that a filibuster was in progress, Senator Barkley was threatening to call for a Saturday session along with invoking the rules against Senators who yielded to permit speeches during their time and still retained the floor.⁶⁹ The Kentucky Senator attempted to gain consent to limit debate on pending amendments, but was thwarted on that move.⁷⁰ Finally, in the Saturday session, Vandenberg admitted that debate should be limited for "the topic [was] substantially exhausted."⁷¹ Some indications that the Senate was tiring can be found. Democrat Harry Byrd of Virginia urged day and night sessions until the matter

⁶⁷Washington Post, August 24, 1940, pp. 1, 2.

⁶⁸New York Times, August 23, 1940, p. 1.

⁶⁹Congressional Record, p. 10748.

⁷⁰Washington Post, August 24, 1940, p. 1.

⁷¹Congressional Record, p. 10856.

had been settled, and Wheeler was predicting a final vote by Wednesday, August 28.⁷²

Debate in the Saturday session was mainly by the supporters. Vermont Republican Ernest W. Gibson took the opposition to task for delivering extended speeches and dragging out debate. He leveled his most serious charge at Senate procrastination:

"Do you realize that during the same length of time it has taken us to debate the bill Hitler was able to conquer France? No wonder he has the utmost contempt for democratic institutions which are incapable of prompt and wise action in times of emergency." ⁷³

An editorial in the Daily Oklahoman felt that the Senate was not entirely responsible for the slow pace, but rather that there was a serious lack of leadership.⁷⁴

What eventually proved to be the final week of debate opened and progress was made. Monday and Tuesday of the week of August 27 were devoted to amendments and most were acted on, permitting the Senate to resume debate on the Maloney amendment and then on the bill.⁷⁵ Democrats Kenneth

⁷² Daily Oklahoman, August 25, 1940, p. A-11.

⁷³ Congressional Record, p. 10841.

⁷⁴ Daily Oklahoman, August 27, 1940, p. 8.

⁷⁵ Washington Post, August 27, 1940, p. 1.

McKellar of Tennessee and William H. Smathers of New Jersey urged the Senate to vote on the bill. McKellar asserted that everyone had already determined how he was going to vote, so the vote should be taken.⁷⁶

In all, the Senators offered twenty-eight amendments, of which nineteen were accepted.⁷⁷ With three exceptions those amendments which were accepted did not hurt the bill. Pennsylvania Democrat Joseph F. Guffey wanted divinity students exempted from conscription. New York Democrat Robert F. Wagner wanted to prohibit racial discrimination in accepting volunteers. Guffey's amendment was accepted easily, 60-10, and so was Wagner's 53-21.⁷⁸ The third amendment which would affect conscription, Henry Cabot Lodge's proposal to limit the number serving at any one time to 900,000, was accepted by voice vote.⁷⁹

⁷⁶Congressional Record, pp. 10904-10905.

⁷⁷Lewis B. Hershey, Selective Service in Peacetime: First Report of the Director of Selective Service, 1940-1941 (Washington: Government Printing Office, 1942), pp. 319-320. Contains summaries of all amendments and roll calls when applicable.

⁷⁸Congressional Record, pp. 10591-10592, 10895.

⁷⁹Hershey, Selective Service in Peacetime, p. 320.

Before general debate opened on the passage of the bill, on its third reading, Josh Lee proposed an amendment in which a census of wealth and income would be taken. If the government needed money to finance military defense or was engaged in war, then those included in the census would be required to purchase one-percent interest-bearing bonds, on a graduated scale similar to the income tax graduations.⁸⁰ This amendment, while it was defeated on a point of order, namely, that it was a revenue raising device and therefore had to constitutionally start in the House of Representatives,⁸¹ caused some alarm in business circles.⁸² It was the forerunner of the Russell-Overton amendment.

Democrats Richard B. Russell of Georgia and John H. Overton of Louisiana proposed that when a plant or facility was needed for national defense and when the Secretaries of War or Navy could not reach agreement with the owners, then the Secretaries could institute confiscation, and immediately acquire the property for use by the government, or lease it

⁸⁰ Congressional Record, p. 9639.

⁸¹ Ibid., p. 10644.

⁸² "Impatient With Business," Business Week, No. 573 (August 24, 1940) pp. 7-8; "What's Holding Up Defense?" Business Week, No. 573 (August 31, 1940), p. 15.

to private firms.⁸³ Compensation was to be determined by the federal courts. The proposal was not new, but rather an amendment to an already existing law.⁸⁴ The roll call vote of 69 to 16 showed that the amendment enjoyed strong isolationist backing as well as support from those who advocated conscription. This was probably done, as Business Week suggested, for "ballot box insurance,"⁸⁵ but more likely to make the bill as unpopular as possible.

Six of the nine rejected amendments, except for Lee's forced loans amendment, Lodge's revision of age limits, and Bennett C. Clark's limitation of service to the continental United States and possessions, would have delayed or made conscription impossible during peacetime. Massachusetts Democrat David I. Walsh, isolationist and Roosevelt hater,⁸⁶

⁸³Congressional Record, p. 11090.

⁸⁴U. S. Congress, United States Statutes at Large: Containing the Laws and Concurrent Resolutions Enacted During the Second and Third Sessions of the Seventy-Sixth Congress of the United States of America, 1939-1941, and Treaties, International Agreements other than Treaties, Proclamations, and Reorganization Plans, Volume 54, pt. 1, Public Laws and Reorganization Plans (Washington: Government Printing Office, 1941), pp. 676-683. Public Law 681.

⁸⁵"Will Compromise 'Plant Draft'," Business Week, No. 575 (September 7, 1940), p. 15.

⁸⁶Childs, I Write From Washington, pp. 158-159.

proposed to delay conscription until after a declaration of war. This proposal was defeated 54 to 29⁸⁷ and caused Wheeler to comment that the opponents had "reached the high water mark of our strength."⁸⁸ Following Walsh's defeat, in an effort to gain some type of delay, Republican Alexander Wiley of Wisconsin, proposed to stop the draft until Congress declared a state of emergency; it was defeated 55 to 27. Arizona Democrat Carl Hayden wanted to delay conscription sixty days, while Neely would hold off for thirty days. Both were defeated; Hayden's narrowly, 43-41, and Neely's 58-27. Finally the Maloney amendment, seeking to block the draft until January 1, 1941, was brought to a vote and was defeated 50-35.⁸⁹ That vote was not surprising, for the attitude of the Senate was reflected as soon as it had started rejecting crippling amendments. After sixteen days of debate, the bill was brought to a vote and passed 58-31,⁹⁰ amid the rumors that two unnamed leaders of the Administration were question-

⁸⁷ Congressional Record, pp. 11035-11036.

⁸⁸ St. Louis Star-Times, August 28, 1940, p. 6.

⁸⁹ Congressional Record, pp. 11089, 11124-11126, 11137-11138.

⁹⁰ Ibid., p. 11142.

ing some Senators about the possibility of a declaration of war.⁹¹

Support for the bill cut across party and regional lines. As a group, most Southern Democrats supported the measure. Republican support came largely from New England, perhaps influenced by Willkie's stand.⁹² Leading opposition came from the Midwest, which was considered the stronghold of the isolationists, and the area in which there were numerous German-American settlements.⁹³

In the meantime, the House Military Affairs Committee reported its version to the House sitting as a Committee of the Whole. The Majority Report summarized arguments and urged immediate passage.⁹⁴

The Minority Report repeated the assertions that sufficient numbers of volunteers would come forward if pay were raised and service time shortened. The minority feared that

⁹¹ New York Times, August 29, 1940, p. 1.

⁹² Barnard, Wendell Willkie: Fighter for Freedom, p. 210.

⁹³ Jonas, Isolationism in America, 1935-1941, p. 18; Samuel Lubell, "Who Votes Isolationist and Why," Harper's Magazine, CCII, No. 1211 (April, 1956), p. 30.

⁹⁴ U. S. Congress, House of Representatives, Compulsory Military Training and Service, Report No. 2903. Seventy-Sixth Congress, Third Session, Vol V, Serial 10444 (Washington: Government Printing Office, 1940), p. 1.

a "totalitarian military economy" would be the inevitable result of the bill's passage. Signers of this report, Democrats C. Arthur Anderson of Missouri, Leslie Arends of Illinois, Paul W. Shafer of Michigan, Thomas E. Martin of Iowa, Charles H. Elston of Ohio, and Forest A. Harness of Indiana, argued that conscription was "unneeded at this time."⁹⁵

Conducting informal polls, the Washington Post and the New York Times found that a majority of House members favored conscription, but that a hard fight would develop prior to passage.⁹⁶ In spite of this optimism, the Christian Century was urging the defeat of the bill, on the grounds that compulsory service was unnecessary, and that the supporters were hiding essential facts from the public as well as ignoring the fact that civil and religious liberties would suffer.⁹⁷

Adolph J. Sabath, Democrat of Illinois, and chairman of the Rules Committee called the bill to the floor along with House Resolution 586, a special rule which provided for two days of general debate in the Committee of the Whole House on the state of the Union. It would be read for amendments

⁹⁵ Ibid., p. 10.

⁹⁶ Washington Post, September 1, 1940, p. 4; New York Times, September 1, 1940, Sect. 4, p. 1.

⁹⁷ "Draft Bill not Yet Law," The Christian Century, LVII, No. 32 (August 7, 1940), pp. 963-964.

and substitutions under the five-minute rule. Any member could demand a separate vote on any amendment. Only one motion would be permitted, that to recommit the bill to the Military Affairs Committee for further study. After amending the proposal, it would be reported to the House of Representatives for its consideration; and if passed, the House version would be substituted for the Senate version.⁹⁸

While explaining the rule, Sabath was interrupted by Robert Rich, Republican of Pennsylvania, who observed that a quorum was not present. Texas Democrat Wright Patman demanded a roll call, which consumed time that could have been devoted to debate.⁹⁹ American Laborite Vito Marcantonio, a Communist-leaning representative from New York City, who had adopted an isolationist position following the Hitler-Stalin Pact,¹⁰⁰ caused further delay when he raised a point of order that the rule was "contrary to the unwritten rule of the House," in that debate was fixed by days instead of hours and that debate could be stopped by adjournment or by a motion that the committee rise. The point of order was overruled

⁹⁸ Congressional Record, p. 11358.

⁹⁹ Ibid., pp. 11358-11359.

¹⁰⁰ Jonas, Isolationism in America, 1935-1941, p. 132.

by Speaker Pro Tempore Jere Cooper, Democrat of Tennessee, because it came "too late" and the Rules Committee could change any rules, except those established by the Constitution. The supporters of the measure won the first skirmish, for Cooper refused to yield for a roll call after the House adopted the rule, 224 to 14.¹⁰¹

Leading the anti-conscriptionists was the belligerent isolationist Republican Hamilton Fish, representative from Roosevelt's home district in Dutchess County, New York,¹⁰² who saw in conscription the abandonment of American ideals and traditions. The evils envisioned by Fish, "Hitlerism, dictatorship, and national socialism," would only begin by taking men. Later would come property, industry and capital, but even more serious would be the loss of civil rights and liberties. The idea of conscription was a "betrayal of our free institutions and representative government."¹⁰³

Lame duck, anti-Semitic Republican Jacob Thorkelson,¹⁰⁴ whom the voters of Montana's first district would replace

¹⁰¹ Congressional Record, pp. 11359-11360; 11366.

¹⁰² Walter Johnson, The Battle Against Isolation (Chicago: University of Chicago Press, 1944), p. 138.

¹⁰³ Congressional Record, p. 11361.

¹⁰⁴ Cole, America First, p. 134.

with Jeannette Rankin¹⁰⁵ (the only person to vote against entry into both World Wars), saw compulsory military service as a British-Jewish plot to create a world capital in the Holy Land. He stated that Congress, while it could pass a wartime draft law, did not have the authority to impose peacetime conscription, but he failed to explain how he arrived at that conclusion.¹⁰⁶

Speakers continued to assail the bill as a plot by international bankers to protect their investments, as an insult to American patriotism, as a basis for another American Expeditionary Force, and rapid promotions in the officer corps.¹⁰⁷ For the most part, the first day was devoted to opposition speakers. Supporters of the Administration did gain acceptance of two amendments to keep industrial conscription in the bill.¹⁰⁸ After this day of debate, the New York Times predicted passage.¹⁰⁹

¹⁰⁵ Joint Committee on Printing, United States Congress, Official Congressional Directory, Seventy-Seventh Congress, First Session (Washington: Government Printing Office, 1941), p. 65.

¹⁰⁶ Congressional Record, p. 11379.

¹⁰⁷ Ibid., pp. 11379-11382, 11386, 11389, 11395-11396.

¹⁰⁸ Ibid., pp. 11402-11403.

¹⁰⁹ New York Times, September 4, 1940, p. 17.

Conscription of industry was given a boost at DeKalb, Illinois when Henry A. Wallace, Secretary of Agriculture, and Democratic Vice-Presidential nominee, stated that he favored industrial conscription if the industry was vital for national defense. This position was viewed as an "unofficial answer" to Wendell Willkie's demand that the President state his views on the subject.¹¹⁰

The second day of debate resumed with Hamilton Fish announcing that the session would last until 10:00 P. M. since many representatives wanted to speak. Charles I. Faddis, Democrat of Pennsylvania, and a colonel in the Army Reserve,¹¹¹ delivered the first strong speech for the proponents. He claimed that the opposition based their arguments on four assumptions. First, that conscription was un-American and un-democratic. This he denied by giving a brief history of conscription from colonial days. Second, voluntary enlistments would provide the needed manpower. This he denied by asserting that in the major and prolonged wars, the United States had resorted to the draft as a

¹¹⁰ Ibid.

¹¹¹ Joint Committee on Printing, United States Congress, Official Congressional Directory, Seventy-Sixth Congress, Third Session (Washington: Government Printing Office, 1940) p. 102. He retired in 1950; Department of the Army, Official Army Register, 2 vols. (Washington: Government Printing Office, 1951), 1, p. 976.

necessity. Third, the selected men would be the unemployed. Again, Faddis denied the charge. Lastly, Faddis faced the charge that the proponents were getting their information from the wrong people. To belittle that statement, Faddis inserted the service record of Hanson W. Baldwin, military writer for the New York Times and a non-Army man, showing graduation from the Naval Academy, three years active duty and seven years reserve experience. The speaker then invited the House members to draw their own conclusions as to whose advice should be followed.¹¹²

For the most part, the second day of debate witnessed charges and countercharges of partisanship being hurled back and forth, and it could be expected that tempers would become short. Democrat Martin Sweeney of Ohio, a "Coughlinite and Irish Patrioteer"¹¹³ charged that Wilson dragged the United States into the World War, that Roosevelt was doing the same, and that conscription was a plan to deliver us to the British.¹¹⁴ Following that tirade, Sweeney sat down next to Beverly Vincent, Democrat of Kentucky, who called him

¹¹²Congressional Record, pp. 11428-11429.

¹¹³"The Bitter End," Time, XXXVI, No. 12 (September 16, 1940), p. 12.

¹¹⁴Congressional Record, pp. 11510-11511.

a "traitor, " and according to Time, " a --- -- - ----." ¹¹⁵

In the resulting fistic exchange, Vincent staggered and bruised Sweeney. The next day Vincent was discredited by having his reference of "traitor" stricken from the Record. ¹¹⁶

By staying in session until late in the evening, the House was prepared to consider various amendments that had been offered. The first amendment was introduced by Hamilton Fish. Its major provisions would permit registration of men, but would delay conscription for sixty days, during which time the President would issue a call for volunteers. If the men did not come forward, then the compulsory features would be used. Fish pointed out that his amendment was the same as the Hayden Amendment in the Senate, which had been defeated by two votes. ¹¹⁷ Debate consumed the entire day. Finally, after limiting debate, which Republican isolationist ¹¹⁸ Karl Mundt of South Dakota termed a "gag rule," the amendment was accepted, 185 to 155. ¹¹⁹

¹¹⁵ "The Bitter End," Time, XXXVI, No. 12 (September 16, 1940), p. 12.

¹¹⁶ Congressional Record, pp. 11552-11553.

¹¹⁷ Ibid., p. 11572.

¹¹⁸ Jonas, Isolationism in America, 1935-1941, pp. 241, 251.

¹¹⁹ Congressional Record, pp. 11584, 11602-11604.

Two industrial conscription amendments were offered. The Smith Amendment, offered by Connecticut Democrat J. Joseph Smith, would have required orders placed by the Secretaries of War or Navy to be accepted or the facilities could be seized and operated by the government. Violators would be subject to a fine of \$50,000 or imprisonment for three years or both.¹²⁰ An amendment proposed by Georgia Democrat Carl Vinson would permit seizure of industry by the President if a contract could not be negotiated, but the plant owners would retain ownership and receive rent from the government. No penalty clause was attached.¹²¹ The Smith amendment was adopted 211 to 31, and Vinson's was rejected, 117 to 100.¹²²

While the House was reading the bill for amendments, forty-four were offered. They covered such things as drafting eligible Congressmen first, by removing Congressional deferments, prohibiting the sale of alcoholic beverages on military installations or to servicemen, voting rights, making draft boards bipartisan, permitting draftees to elect members of the draft board, permitting those deferred to

¹²⁰Ibid., pp. 11725-11726.

¹²¹Ibid., p. 11726.

¹²²Ibid., p. 11740.

waive their deferments, and so on.¹²³ Most amendments were offered and voted on with little or no debate. Many were designed to cripple, delay, or make compliance costly for the Federal Government.

The Committee of the Whole House adopted the bill and reported it to the House for consideration. Andrew May demanded a roll call vote on the Fish Amendment, with Wright Patman doing the same for the Smith Amendment. The Fish Amendment, to postpone conscription and have the President issue a call for volunteers, was accepted, 207 to 200, with the vote showing a significant split in the Democratic ranks. Sixty-three Democrats joined 143 Republicans, two Progressives, one Farmer Laborite, and one American Laborite in supporting the amendment, while twenty-two Republicans and 178 Democrats opposed it.¹²⁴ The Smith Amendment was approved overwhelmingly, 330 to 83. The general sentiment was that if men were to be drafted, then industry should do its fair share.¹²⁵

In one last effort to forestall passage, Dewey Short, Republican from Missouri, tried to send the bill back to the

¹²³Hershey, Selective Service in Peacetime, pp. 321-322.

¹²⁴Congressional Record, p. 11748.

¹²⁵Ibid., pp. 11748-11750.

Military Affairs Committee with instructions to insert provisions that local and appellate draft boards be made bipartisan. It was defeated 241 to 171, removing any impediment for a vote on the bill. The final and approving vote, 263 to 149, found 211 Democrats and 52 Republicans for the measure, while 33 Democrats, 112 Republicans, two Progressives, one Farmer Laborite, and one American Laborite opposed it.¹²⁶

After rejecting the Senate version, Speaker William B. Bankhead appointed a conference committee, consisting of Democrats R. Ewing Thomason of Texas, D. W. Harter of Ohio, and Andrew May of Kentucky; Republicans Walter Andrews of New York, and Dewey Short, to meet with the Senate if it rejected the House version of the bill.¹²⁷

The Senate rejected the House version after beating down attempts to accept it, and then efforts to instruct its delegation to the conference.¹²⁸ The Senate Conferees, Democrats Morris Sheppard of Texas, Robert Reynolds of North Carolina, Elbert Thomas of Utah, and Sherman Minton of Indiana; Republicans Warren Austin of Vermont, and Styles Bridges of New Hampshire were free to enter the debate without being

¹²⁶ Ibid., pp. 11753-11755.

¹²⁷ Ibid., p. 11755.

¹²⁸ Ibid., pp. 11776-11777.

restricted by prior instructions. In some respects, the conference results could be predetermined, because the membership reflected majority attitudes in their respective houses. Only Short and Reynolds had voted to support the Fish Amendment, and only Short had voted to reject the bill.¹²⁹

The major differences: age limits (Senate 21-31, House 21-45), conscription of industry and the Fish Amendment were thought to be the most important topics.¹³⁰ The New York Times optimistically reported that when the Senate refused to accept Senator Clark's instructions to compel the Senate conferees to accept both the Senate age limits and the House's Fish Amendment, it meant the defeat of the Fish Amendment and further that Congress was tired of experimenting with voluntary enlistments.¹³¹

While the conferees were attempting to reach some agreement, Wendell Willkie, speaking at Rushville, Indiana, expressed hope that the conference would eliminate the Fish Amendment, as there should be no delays in preparing for

¹²⁹ Ibid., pp. 11112-11114, 11748, 11754-11755; New York Times, September 8, 1940, p. 22.

¹³⁰ Daily Oklahoman, September 8, 1940, p. 1.

¹³¹ New York Times, September 10, 1940, pp. 1, 14.

national defense.¹³² Meanwhile, at the Iowa Bankers Convention in Des Moines, Fish attacked Willkie for being critical of his amendment. The New York Representative charged that the Republican Presidential candidate had not read the amendment and had become a victim of the "propaganda of the interventionist and eastern press." Any claim that his amendment would delay conscription was, according to Fish, "malicious lies."¹³³

The Senate began consideration of the Conference Report on September 13, and immediately it became apparent that the House version had been accepted in most instances. The Senate seemed willing to accept the compromises, until the issue of conscription of industry arose, and then a most bitter dispute erupted. Richard Russell, co-author of the Russell-Overton Amendment, expressed disappointment in the results and went further to assert that the conferees had gone "out of their way to find restrictions and limitations on the power of the Government..." and that the conferees had "exceeded the powers of conferees under the rules of both houses..." Joining to give moral support, Burton K. Wheeler denounced the compromise as being "worthless as a practical

¹³²Ibid., September 11, 1940, pp. 1, 12.

¹³³Ibid.

matter."¹³⁴

The Conference struck out the Russell-Overton Amendment, which had called for the conscription of industry, and substituted a modified version of the Smith Amendment which contained no penalty clause. It may be assumed that the anti-conscriptionist forces were jubilant over the sudden turn of events. Senator George Norris asked Russell if he was so opposed to the compromise then he should make it a point of order. Russell, after conferring with the Senate parliamentarian, concluded that it was not subject to a point of order under "recently established precedents in the Senate."¹³⁵ To finally solve the problem, Neely of West Virginia moved to send the report back to committee with instructions to accept, and if necessary, to insist upon the Smith Amendment. The motion was adopted.¹³⁶

The next morning, September 14, Sheppard reported that the Conference Committee had met, complied with the Senate's instructions, and that the remainder of the bill was the same as reported the day before. With no debate recorded,

¹³⁴ Congressional Record, pp. 12086-12087.

¹³⁵ Ibid., pp. 12087-12088.

¹³⁶ Ibid., p. 12152.

the Senate adopted the bill 47 to 25.¹³⁷

In the House of Representatives, Andrew May reported that the Senate had adopted the Smith amendment, and that the Fish Amendment had to be dropped due to Senate insistence. Hamilton Fish gained the floor to lament that the rules prohibited reconsideration of his delaying proposal. After several others expressed both favor and disfavor, the House voted to accept the compromise, 233 to 124.¹³⁸

The White House announced that the bill would be studied for errors, and probably be signed on Monday, September 16. On that day, the President signed the Burke-Wadsworth Bill and designated October 16, 1940 as registration day for approximately 16,500,000 men.¹³⁹

The legislative process in both houses was identical. The bill was presented, debated, amended, and passed, but the movement through each phase was slow and at times in the Senate it seemed that a stalemate had occurred.

In the Senate, it seemed that the opposition was better organized and worked in harmony. The opponents centered their arguments around certain themes: conscription was

¹³⁷ Ibid., pp. 12156, 12160-12161.

¹³⁸ Ibid., pp. 12227-12228.

¹³⁹ Washington Post, September 16, 1940, p. 1.

unnecessary as volunteer enlistments would bring in sufficient manpower, it was both un-American, and undemocratic and was thus the first step to a dictatorship. Paradoxically, while arguing that a large Army would provide the basis for dictatorship, the opposition demanded a large Navy and Air Force, and supported conscription of industry. A few opponents expressed alarm that a conscripted army would be the basis for American entry into the European war.

Leadership for the bill seemed to be lacking, for the most part, until late August. The leaders appeared to be willing to permit the opponents to speak at length with no plans to force the issue until the two presidential candidates spoke out on the issue. It seemed that the bill started moving with some degree of rapidity only after Roosevelt's strategy meeting and press conference on August 23. Then the Senate leadership, perhaps inspired by both candidates' stand, scheduled Saturday and late evening sessions. Of the seventy-six hours spent in debate, some twenty-eight occurred in the final three days.

The debates in the House followed the same themes developed in the Senate. The Rules Committee in limiting general debate prevented delay, yet provided ample opportunity for consideration.

The amendments accepted, for the most part, would do little to strengthen the bill. Most were concerned with

procedural matters, which probably could have been written as guidelines by the Director of Selective Service. The rejected amendments, including Fish's, would have placed undue burdens on the system and made operation difficult if not impossible. Thus, the needs of the nation survived the luxury of debate.

CHAPTER IV

CONCLUSIONS

In the fall of 1939 and the spring and summer of 1940, the armed forces of Germany (later joined by those of Italy) were waging aggressive and successful warfare in Europe, forcing Britain to withdraw its troops from France and causing the French government to surrender. Hitler then stood as the master of continental Europe, with only the British to oppose him.

Grenville Clark and the Military Training Camps Association decided in May of 1940, that the best way for that group to celebrate its twenty-fifth anniversary would be to seek Congressional enactment of compulsory military training, since they viewed the wars in Europe and Asia and the extensive military measures of the Fascist powers as posing serious threats to the safety and security of the United States. During May and June, the group drafted its proposal, sought Congressional support and started lobbying in favor of a measure which proved to be controversial as well as emotional.

Clark, utilizing his friendship with Associate Supreme

Court Justice Felix Frankfurter, and perhaps President Franklin D. Roosevelt's desire to curb Republican criticism of his decision to seek a third term, worked to secure the appointment of Henry L. Stimson and Frank Knox to be Secretaries of War and the Navy. This was a major accomplishment, for Stimson and Knox, who favored conscription, were in positions to influence their respective departments and the pending legislation.

When the Military Affairs Committees of the Senate and the House of Representatives began to conduct public hearings on a proposed conscription law, it became evident that the bill had the support of many groups, increasingly favorable public opinion, and a powerful voice in the New York Times. Those that supported conscription argued that the United States was facing an imminent threat from Germany, was militarily unprepared, and while she was spending vast sums to purchase armaments, was doing nothing to obtain the men to utilize the equipment. Further, those that favored compulsory service stated that the voluntary enlistment system was failing to produce the men in the amounts needed or at the proper time.

General George C. Marshall, Army Chief of Staff, refused to support conscription when the Military Training Camps Association first approached him on the subject. He did not

want to fragment the Regular Army into training units, and lacked policy guidance from either the President or then Secretary of War, Harry H. Woodring, who favored the isolationist position. When Stimson became Secretary of War, he directed Marshall and the General Staff to support the measure, which they did with enthusiasm. The military spokesmen presented straight-forward, reasoned arguments. Their testimony showed that the General Staff had given considerable thought to the possibility of conscription and had prepared possible legislation to bring it about. The major problem which they foresaw was one of initial shortages in some supply areas. General Marshall forcefully argued that these shortages could be overcome by purchasing the items from civilian suppliers under accelerated contracts.

The National Guard, while supporting compulsory service, was fearful that perhaps it might suffer under such a plan. The Reserve spokesmen felt that they should be called to active duty to fill the ranks, and to permit organizational training. If this could not be done, then an alternate course should be adopted, namely, permitting the inducted men to serve a shorter active duty period and complete their service obligation with a state military organization.

Opponents to compulsory service presented arguments that were in opposition to those given by the supporters of

the pending legislation. The isolationist groups argued that no crisis faced the United States, and that if conscription was adopted then it would be the basis for another American Expeditionary Force, and might well be the factor that would cause the nation to become immediately entangled in the European War. The pacifists, both individuals and religious groups, contended that compulsory service as here proposed violated the conscience of those who were not members of historically pacifist groups. Adequate provisions, they argued, should be written into the bill to cover anyone who might refuse service, claiming conscientious objection. Fear was expressed that the World War I treatment of conscientious objectors might re-occur.

Some of the witnesses objected to conscription because they felt that it was designed to protect the economic status and property of vested interests. Benjamin Marsh, and to a lesser extent, Norman Thomas, were the most caustic of the witnesses in their allegations. They claimed that the government could use the bill to suppress labor unrest by employing the deferment clauses. Each group of opponents, while stressing slightly different factors that they considered essential, tended to agree that compulsory military service could be the basis for a dictatorship. Yet, strangely, most conceded that the United States needed to increase

its defensive capabilities, and that it should be done by enlarging the Navy and the Air Force, rather than the Army. However, those that chose not to support the legislation failed to explain why a dictator could come to power with a large army, but could not with a large Navy or Air Force. If mutual trust is a factor in the relationship between the government leaders and the military, then that trust should be directed toward all branches, not just one.

Congressional debate was, for the most part, a reiteration of the positions taken before both Military Affairs Committees. Senatorial arguments were extended, often boring, and at times, ringing with personal attacks, primarily against those who were supporting the measure. The Senate leadership often permitted the opposition to speak at length and conducted short sessions, adjourning after five or six hours of combat. It was not until August 23, and after the Republican presidential candidate Wendell Willkie announced his support for the bill, that President Roosevelt called a strategy and news conference at the White House to give his endorsement to the pending legislation. After the two presidential candidates had indicated their support for the measure, the Senate leadership scheduled late evening and Saturday sessions and passed the proposal on August 28.

In the House of Representatives, the repetition that

slowed down the Senate was averted by the Rules Committee, which permitted two days of general debate. Only a hint of evidence can be found to support an allegation that anyone was denied speaking privileges. The lower house debated, amended, and passed the bill in five days, and then sent it to a conference committee.

The conference committee was faced with three serious questions to settle: first, the age brackets of the men to be inducted, second, the conscription of industry amendment, and third, the Fish Amendment for the delay on conscription and calling of volunteers. The conferees reached agreement, sent their solutions to their respective houses, and the Senate promptly rejected their report. The conference committee had to meet again and adopt a stronger clause relating to industry, which was accepted. Finally, both houses agreed and passed the bill on September 14, 1940.

The testimony before both Military Affairs Committee was repetitious, both as to the positions taken by the witnesses and the prepared statements read into the record. The Senate conducted its hearings in July, holding its last session on the 12th. The House, while starting on July 10, held most of their sessions in the latter part of the month, plus four days in August. The last three days of House hearings were held while the Senate was debating the bill.

When considering the printed record of testimony, one wonders why the Committees of both houses did not sit as a joint committee. This would have saved the time and patience of both the Congressmen and the witnesses, and those out-of-town spokesmen would have had to appear only once instead of twice.

The major stumbling block in the legislative process was the Senate. That body permitted extended debate, much of which was repetitious, and it is highly doubtful as to whether any minds were changed because of it. Yet, because of history and tradition, those Senators who were opposed to conscription were permitted to filibuster (this was denied by both sides) until the Senate leaders scheduled late evening and night sessions. To correct this feature in the legislative process, several suggestions could be offered. First, and perhaps the easiest to implement, would be a Senate Rules Committee to function as the one in the House. Second, and regardless of the first, print Senatorial speeches in the Congressional Record and permit only the summation of points; that is, limit the amount of time that a Senator may speak. Third, some provision should be made to have the speakers orient themselves to the topic under discussion, or the speech should be germane to the issue being considered. These points were overcome in the House

of Representatives because of its rules. It is a sad commentary on American political life that a legislative body, one fourth the size of the other, needed five times the amount of time to consider the same piece of legislation.

Executive leadership was criticized as being hesitant to come to the aid of the bill. The President was indeed slow in directly giving his approval to the measure, and did so only after his presidential opponent had supported the pending legislation. Any claim to Roosevelt's reluctance to speak out must be measured in terms of those close to the Commander-in-Chief. During the Congressional hearings, the Secretaries of War and the Navy, the Army Chief of Staff, and members of that staff, and a representative of the Chief of Naval Operations, all spoke in favor of the proposal. Besides this, the Budget Bureau endorsed the idea, and some members of the press equated that support to Presidential approval.

In conclusion, when a nation wishes to increase the size of its armed forces, it can do so by either voluntary enlistments, or by compelling the services of its men. In peacetime this nation relied on a small Regular Army filled by volunteers, but during prolonged wars, the United States resorted to drafts because of necessity. In 1940, this nation decided to increase the size of its military by impos-

ing conscription; the stated purpose being to provide a trained reserve that would reinforce the Regular Army.

Hindsight, the historian's stock-in-trade, shows the need for such legislation. It should have been unthinkable that a small group of Congressmen would have been willing to sacrifice this nation because they could not see the need for such a proposal, even though the Gallup Polls revealed that conscription had increasing public support, 50% in June and 70% by September. Most Congressmen supported it as did both presidential candidates.

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